



Claremont City Council

Agenda Report

File #: 5834

Item No: 7.

TO: ADAM PIRRIE, CITY MANAGER
 FROM: BRAD JOHNSON, COMMUNITY DEVELOPMENT DIRECTOR
 DATE: JANUARY 13, 2026

Reviewed by:
 City Manager: AP

SUBJECT:

CITY COUNCIL REVIEW OF THE PLANNING COMMISSION'S DECISION TO AMEND THE EXISTING CONDITIONAL USE PERMIT (FILE #22-C04AMD) ALLOWING MUSIC ENTERTAINMENT IN CONJUNCTION WITH AN EXISTING BONA-FIDE EATING ESTABLISHMENT FOR THE LA POPULAR RESTAURANT, LOCATED IN THE CLAREMONT VILLAGE, 235 NORTH YALE AVENUE

SUMMARY

On December 16, 2025, the Planning Commission approved an amendment to the existing Conditional Use Permit (CUP) for La Popular Restaurant to allow live music entertainment (consisting of one- to three-piece music groups and general amplified music) two days per week and up to four DJ-hosted music events per year. On December 22, 2025, Councilmember Corey Calaycay requested a City Council review of the Planning Commission's decision.

RECOMMENDATION

Staff recommends the City Council:

- A. Review and affirm the Planning Commission's decision approving the amendment to Conditional Use Permit File #22-C04AMD; and
- B. Find this item is exempt from environmental review under the California Environmental Quality Act (CEQA).

ALTERNATIVES TO RECOMMENDATION

In addition to the recommendation, there are the following alternatives:

- A. Affirm the Planning Commission's approval of the Amendment to Conditional Use Permit (File #22-C04AMD), but modify the terms of the approval, such as the hours and/or days live music entertainment and/or DJ-hosted events are permitted, or enforcement mechanisms for

potential violations of CUP conditions.

- B. Reverse the Planning Commission's approval of the Amendment to Conditional Use Permit #22-C04AMD, specifically identifying the reasons the required findings under CMC 16.303.040 A., for Conditional Use Permits cannot be made, and continue the matter to January 27, 2026 to allow staff to prepare a resolution for denial.
- C. Take no action. The Planning Commission's approval of the Amendment to Conditional Use Permit (#22-C04AMD) will become final.
- D. Continue the item, preferably to a date certain (e.g., to give staff time to gather additional information).

FINANCIAL REVIEW

The staff cost to prepare this report is estimated at \$1,686 and is included in the operating budget of the Community Development Department.

ANALYSIS

The City recently received noise complaints about live music entertainment (mainly bands and music groups) and DJ-hosted events at certain restaurants within the Claremont Village. In response, the City's Community Improvement staff issued an administrative citation for unpermitted live music at La Popular in June of 2025 which was ultimately paid by the property owner. In addition, Planning Division staff provided verbal courtesy notices to the restaurants that generated complaints that these activities are not permitted by their Conditional Use Permits. Staff encouraged the restaurants that wanted to continue these activities to apply for amendments to their Conditional Use Permits for the Planning Commission's review and consideration.

La Popular Restaurant is an eating establishment located at 235 North Yale Avenue. La Popular submitted an application for an amendment to its Conditional Use Permit (File #07-C09AMD) to allow for various forms of music entertainment in conjunction with the existing eating establishment located at 235 North Yale Avenue. Specifically, La Popular requested the CUP be amended to allow:

- 1. Live music with amplification every Tuesday and Sunday from 6:00 PM to 11:00 PM (as well as general amplified music through the restaurant's sound system from 6:00 PM to 11:00 PM on weekdays and until midnight on weekends); and
- 2. DJ-hosted events.

City staff recommended approval of live music on Tuesday and Sunday from 6:00 PM to 11:00 PM, but City staff did not recommend approval of DJ-hosted events. At the Planning Commission's public hearing on the CUP amendment, La Popular's representative indicated that the restaurant did not plan to have more than four DJ-hosted events per year. After holding a public hearing, the Planning Commission approved a Resolution that approved live music on Tuesday and Sunday from 6:00 PM to 11:00 PM and allowed up to four DJ-hosted events per year. The Planning Commission also included in their Resolution the flexibility for the Community Development Director to approve a change in the days music can be conducted, should La Popular wish to change from the approved Tuesdays and Sundays. The Resolution would not allow the Community Development Director to permit music on any more than the currently allowed two days per week.

The Planning Commission's Resolution requires that live music entertainment be conducted wholly indoors and that the exterior roll-up doors and front door remain closed during times when live music is performed. Consistent with the existing CUP, the Planning Commission's Resolution also requires

that noise (including live music and DJ-hosted events) 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 ten feet from the exterior of the restaurant, and at the property line along the south wall. The Planning Commission's Resolution continues to allow sales of alcohol during the business days and hours of Monday through Friday, 11:00 AM to 1:00 AM, and Saturdays and Sundays from 10:00 AM to 1:00 AM.

The December 16, 2025 Planning Commission staff report, approved resolution, draft minutes, and public comment are included as attachments to this report as Attachments A-D.

The City received a number of complaints about the music at La Popular, some of which expressed concern about the potential impacts on surrounding businesses. Members of the City Council have the ability to call up any decision of the Planning Commission for City Council review. Councilmember Calaycay requested City Council review of the Planning Commission's approval of the amendments to La Popular's CUP. The City Council may discuss the conditions imposed by the Planning Commission, as well as the enforcement mechanisms included in the Commission's Resolution to address future violations of the CUP's conditions, should they occur. The City Council has the authority to amend the conditions approved by the Planning Commission.

RELATIONSHIP TO CITY PLANNING DOCUMENTS

Staff has evaluated the agenda item in relationship to the City's strategic and visioning documents and finds that it applies to the following City Planning Documents: General Plan.

CEQA REVIEW

The Planning Commission determined that the proposed music entertainment and DJ-hosted events are categorically exempt from the provisions of the California Environmental Quality Act pursuant to Section 15301 (Class 1) for existing facilities. The CUP Amendment 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.

COUNCIL COMMITTEE/COMMISSION REVIEW (optional)

The Planning Commission considered this item at a public hearing on December 16, 2025.

PUBLIC NOTICE PROCESS

The agenda and staff report for this item have been posted on the City website and distributed to interested parties. If you desire a copy, please contact the City Clerk's Office.

Submitted by:

Brad Johnson
Community Development Director

Attachments:

- A - Planning Commission Staff Report - December 16, 2025
- B - Planning Commission Resolution - December 16, 2025
- C - Draft Planning Commission Minutes - December 16, 2025
- D - Planning Commission Public Comment



Claremont Planning Commission

Agenda Report

File #: 5817

Item No: 3.

TO: PLANNING COMMISSION
FROM: BRAD JOHNSON, COMMUNITY DEVELOPMENT DIRECTOR
DATE: DECEMBER 16, 2025

SUBJECT:

REQUEST FOR A CONDITIONAL USE PERMIT (FILE #22-C04AMD) FOR MUSIC ENTERTAINMENT IN CONJUNCTION WITH AN EXISTING BONA-FIDE EATING ESTABLISHMENT, LOCATED IN THE CLAREMONT VILLAGE AT 235 NORTH YALE AVENUE. APPLICANT - LA POPULAR RESTAURANT.

SUMMARY

La Popular Restaurant has submitted an application for a Conditional Use Permit (CUP) amendment to allow for various forms of music entertainment in conjunction with the existing eating establishment located at 235 North Yale Avenue. The proposed entertainment includes live music with amplification every Tuesday from 6:00 PM to 11:00 PM and general amplified music through the restaurant sound system from 6:00 PM to 11:00 PM on weekdays and until midnight on weekends. Staff finds that the required CUP findings can be met and that the proposed indoor entertainment will positively contribute to the business's overall success and the vitality of the surrounding area while remaining compatible with adjacent land uses through continued operational controls and conditions.

RECOMMENDATION

Staff recommends the Planning Commission:

- A. Adopt A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF CLAREMONT, CALIFORNIA APPROVING CONDITIONAL USE PERMIT AMENDMENT #22-C04AMD, A REQUEST FOR MUSIC ENTERTAINMENT IN CONJUNCTION WITH AN EXISTING BONA-FIDE EATING ESTABLISHMENT, LOCATED IN THE CLAREMONT VILLAGE AT 235 NORTH YALE AVENUE. APPLICANT - LA POPULAR RESTAURANT; and
- B. Find this item is exempt from environmental review under the California Quality Act (CEQA).

ALTERNATIVES TO RECOMMENDATION

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

- A. Continue the item for additional information.
- B. Approve the project with additional or revised Conditions of Approval.
- C. Express an intent to deny CUP #07-C09AMD in its entirety, specifically identifying the findings of Section 16.303.040 of the CMC that cannot be met, and continue the item to January 6, 2026 for adoption of a denial resolution.

FINANCIAL REVIEW

Costs associated with the review of this application have been borne by the applicant.

ANALYSIS

Background

The project site is a rectangular commercial property of approximately 15,776 square feet, located at the southwest corner of North Yale Avenue and West Bonita Avenue. The property has a zoning designation of Claremont Village Overlay District (CVO) and a corresponding General Plan designation of Claremont Village (CV). Located in the heart of Village, uses adjacent to the subject site include 42nd Street Bagel and Viva Madrid to the south, and the Bonita Yale Plaza to the north across Bonita Avenue. The Union on Yale and House of Pong restaurants are located across Yale Avenue to the east of the subject site, while an alley abuts the subject property to the west, with a real estate office on the other side of the alley.

In 2022, La Popular obtained CUP File #22-C04 to allow for the sale of a full line of alcohol and a new outdoor dining area. The purpose of this CUP is to include music entertainment and to establish conditions of approval.

Although the application submitted to the City requested only Tuesdays, the restaurant currently provides live music for its customers on Tuesdays and Sundays from 6:00 PM to 11:00 PM. The City has received numerous complaints over the last year from nearby businesses and the general public due to nuisance noise that is negatively impacting the immediate area. Although there are only three formal noise complaints documented by the Claremont Police Department at La Popular, staff is aware of several additional informal complaints.

Project Description

La Popular Restaurant is requesting approval of a Conditional Use Permit (CUP) to allow for recurring live music entertainment and amplified music in conjunction with its existing restaurant operations. The proposed live music would occur every Tuesday from 6:00 PM to 11:00 PM and would be conducted within the interior of the restaurant. Any music played in the outdoor patio area is limited to the installed speakers at a decibel rating that complies with the environmental protection standards found in Claremont Municipal Code Chapter 16.154.020.D.1. Additionally, the restaurant proposes to play amplified music through speakers as part of its normal business operations.

All music entertainment and amplification would be subject to operational conditions to ensure compatibility with surrounding land uses. No structural modifications or expansion of the existing building footprint are proposed as part of this request. The proposed entertainment is intended to enhance the dining atmosphere and overall customer experience while maintaining consistency with applicable noise ordinances.

Concerns

Staff has received concerns regarding La Popular's existing practice of playing amplified music at excessive volume levels while the garage-style roll-up doors on the north and east sides of the building are open to the outdoor patio and sidewalk areas. This has resulted in the outward projection of sound beyond the interior of the restaurant and has caused significant disruption to neighboring businesses within the Claremont Village downtown area. Unlike fully enclosed indoor music, the open-door configuration creates the entertainment into an outdoor sound source, increasing the potential for noise spillover and adverse impacts to adjacent commercial uses.

To address these concerns, staff included conditions of approval requiring that all live and amplified music be maintained at a volume that is limited beyond the property line and that the garage-style doors remain closed during live music performances and periods of amplified music, except for ingress and egress. Additional measures may include the installation of a decibel-limiting device and routine noise monitoring by restaurant staff. These conditions would ensure that entertainment activities remain compatible with the surrounding environment while still allowing the restaurant to provide music as part of its operations.

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 findings can be made with regard to the proposed music entertainment at the existing restaurant and proposed location as identified in the draft resolution (Attachment A). Staff believes that the entertainment will enhance the overall dining experience and positively contribute to the long-term performance of both the restaurant and the Claremont Village. The project's conditions of approval listed in the resolution also gives the City of Claremont the authority to revoke the subject CUP if it is discovered that the operators of the use are violating regulations or any condition(s) of approval.

CEQA REVIEW

The Community Development Director has determined that the project under review is categorically exempt from the provisions of the California Environmental Quality Act (CEQA) pursuant to Section 15301 (Class 1) for existing facilities in that the proposed 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.

PUBLIC NOTICE PROCESS

The agenda and staff report for this item have been posted on the City website and distributed to interested parties. If you desire a paper copy, please contact Nhi Atienza at natienza@claremontca.gov.

The property was posted and written notices were mailed to property owners within 300 feet of the boundaries of the site. Copies of this staff report have been sent to the applicant and other interested parties.

Submitted by:

Brad Johnson
Community Development Director

Prepared by:

Daniel Kim
Assistant Planner

Attachments:

- A - Draft Resolution
- B - CUP File #22-C04
- C - CUP Signed Resolution # 2022-05
- D - Floor Plan

RESOLUTION NO. 2025-**A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF CLAREMONT, CALIFORNIA APPROVING CONDITIONAL USE PERMIT AMENDMENT #22-C04AMD, A REQUEST FOR MUSIC ENTERTAINMENT IN CONJUNCTION WITH AN EXISTING BONA-FIDE EATING ESTABLISHMENT, LOCATED IN THE CLAREMONT VILLAGE AT 235 NORTH YALE AVENUE. APPLICANT – LA POPULAR RESTAURANT**

WHEREAS, on June 24th, 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 Claremont Village at 235 North Yale Avenue; 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. La Popular occupies an existing restaurant tenant space within a fully developed commercial center at 235 North Yale Avenue. The existing facility is adequate in size and configuration to accommodate the proposed indoor music entertainment. The proposed live entertainment activity will occur entirely within the interior of the existing tenant space and will be subject to closures of the front doors and northern and eastern roll-up garage/window doors and any outdoor music will be limited to low levels, 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 Claremont Village 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 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, provided that all entertainment is conducted in compliance with the Conditions of Approval. While the applicant proposes regular live music and amplified sound, the imposition of conditions requiring front doors and northern and eastern garage/window doors to remain closed during music entertainment, limiting outdoor music to background music levels, and limiting sound levels to prevent audibility beyond the property line will minimize potential noise impacts and ensure compatibility with surrounding commercial 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. La Popular will continue to operate under the conditions of its existing CUP and any additional conditions imposed through this amendment. 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 #22-C04AMD, 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 one to three-piece band music groups and general amplified music in conjunction with a bona-fide restaurant at 235 North Yale Avenue.
- B. Alcohol sales and service hours are as follows:
 - Monday through Friday: 11:00 AM to 1:00 AM
 - Saturday & Sunday: 10:00 AM to 1:00 AM

The approved hours of live musician(s) entertainment are limited to Tuesdays and Sundays from 6:00 PM to 11:00 PM.

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

- C. Disc Jockey events shall be prohibited for both private party events and regular restaurant operating hours.
- D. No outdoor live music shall be permitted at any time within the patio or exterior areas.
- E. The front entrance doors and garage-style roll-up doors on the north and east side of the building shall remain fully closed during all live music, except for normal ingress and egress.
- F. Noise sources associated with entertainment 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 measured from the exterior of the restaurant as set forth in Chapter 16.154 of the Claremont Municipal Code.
- G. The dining area and music entertainment shall be continuously supervised by management or employees of the business.
- H. All applicable conditions set forth by Planning Commission Resolution #2022-05 shall remain in effect.
- I. 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 including up to suspension, revocation, or modification of this CUP
- J. 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.
- K. 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.
- L. 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.

- M. 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.
- N. 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.
- O. 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



Claremont Planning Commission

Agenda Report

File #: 4371

Item No: 3.

TO: PLANNING COMMISSION
 FROM: BRAD JOHNSON, COMMUNITY DEVELOPMENT DIRECTOR
 DATE: SEPTEMBER 20, 2022

Reviewed by:
 Finance Director:N/A

SUBJECT:

REQUEST FOR A CONDITIONAL USE PERMIT (FILE #22-C04), TO ALLOW FOR THE SALE OF A FULL-LINE OF ALCOHOLIC BEVERAGE (DEPARTMENT OF ALCOHOLIC BEVERAGE CONTROL TYPE-47 FULL LIQUOR LICENSE) IN CONJUNCTION WITH A BONA-FIDE EATING ESTABLISHMENT IN AN EXISTING RETAIL SPACE AND A NEW OUTDOOR DINING AREA OF 842-SQUARE FEET WITH A TOTAL OF 56 SEATS LOCATED AT 235 NORTH YALE AVENUE. APPLICANT - MARK FERNANDEZ (LA POPULAR RESTAURANT).

SUMMARY

Mark Fernandez, the applicant, has submitted an application for a Conditional Use Permit (CUP) to allow for the sale and service of a full-line of alcoholic beverages for on-site consumption (with a California Department of Alcoholic Beverage Control Type-47 liquor license) in conjunction with a new bona-fide eating establishment, La Popular, located at the subject property in the retail space formerly occupied by Rhino Records. The applicant has also proposed a new outdoor dining area of 842-square feet with 56 seats along the north side of the building where food and alcohol would also be served. CUP approval is required for outdoor seating areas that include more than a single row of tables along a business' frontage and/or those which are separated from the public right-of-way by a fence or wall.

Staff believes that all of the required CUP findings can be met by the project and that the new restaurant, with alcohol service and new outdoor area, will positively contribute to the dynamic mix of uses in the Claremont Village and add to the synergy. The applicant has proposed a thoughtfully designed restaurant concept operated by an experienced team that will anchor this prominent corner of the Village for Claremont's residents and visitors alike.

RECOMMENDATION

Staff recommends that the Planning Commission adopt A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF CLAREMONT APPROVING A REQUEST FOR A CONDITIONAL USE PERMIT (FILE #22-C04), TO ALLOW FOR THE SALE OF A FULL-LINE OF ALCOHOLIC

BEVERAGE (DEPARTMENT OF ALCOHOLIC BEVERAGE CONTROL TYPE-47 FULL LIQUOR LICENSE) IN CONJUNCTION WITH A BONA-FIDE EATING ESTABLISHMENT IN AN EXISTING RETAIL SPACE AND A NEW OUTDOOR DINING AREA OF 842-SQUARE FEET WITH A TOTAL OF 56 SEATS LOCATED AT 235 NORTH YALE AVENUE. APPLICANT - MARK FERNANDEZ (LA POPULAR RESTAURANT).

ALTERNATIVES TO RECOMMENDATION

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

- A. Continue the item for additional information; or
- B. Express an intent to deny CUP #22-C04 in its entirety, specifically identifying the findings of Sections 16.060.030.B and 16.303.040 of the CMC that cannot be met and continue the item to October 4, 2022 for adoption of a denial resolution.

FINANCIAL REVIEW

Costs associated with the review of this application have been borne by the applicant.

ANALYSIS

Background

The project site is a rectangular commercial property of approximately 15,776-square feet located at the southwest corner of North Yale and West Bonita Avenues. The property has a zoning designation of Claremont Village Overlay District (CVO) and a corresponding General Plan designation of Claremont Village (CV). Located in the heart of Village, uses adjacent to the subject site include 42nd Street Bagel and Viva Madrid to the south, and the Bonita Yale Plaza to the north across Bonita Avenue. The Union on Yale and House of Pong restaurants are located across Yale Avenue to the east of the subject site, while an alley abuts the subject property to the west, with a real estate office on the other side of the alley.

The site is developed with a well-maintained 6,800-square-foot, 1.5-story concrete block structure built in 1938. The property has long been owned by Bentley Family Trust and is listed in the City's Register of Sites of Historic or Architectural Merit. Although specific historic details or character-defining features are not noted in the Register, the structure is shown as a contributing building in the Architectural Quality Map of the Village Design Plan. The property was the longtime home of Rhino Records (along with Video Paradiso), which occupied the building from 1974 until this year, when the business moved locations.

The Claremont Municipal Code (CMC) requires that restaurants obtain approval of a CUP for on-site sales of alcohol in conjunction with food service (CMC Section 16.051.020). Pursuant to CMC Section 16.090.040CUP approval is also required for private outdoor patio dining areas having more than a single row of tables along a business' building frontage.

Project Description

The applicant, Mark Fernandez, represents David Peters, the restaurant owner and building lessee, who is proposing to repurpose a portion of the historic Bentley Building to create a restaurant known

as La Popular Taqueria. La Popular is a chef-driven concept originating in the global gastronomic center of Mexico City that will be making its US debut in Claremont. The team behind the restaurant's US expansion has local roots, having owned and operated Eureka! Burger in the Claremont Heights Packing House since 2010. La Popular in Claremont will apply a chef-driven, adventurous approach to authentic Mexican cuisine where the food offerings will be complemented by a curated cocktail menu and selection of beers and wines. The restaurant will feature a highly-designed interior that takes inspiration modern Mexico City and features materials such as concrete wall tile, terra cotta floor tile, backlit smokey mirrors, subdued neon signature and ample greenery. (The proposed changes to the exterior of the building and the proposed signage are being reviewed concurrently by the City along with this CUP and will be reviewed by the Architectural Commission at one of their upcoming public hearings). La Popular's food and drink menu is provided as Attachment C and interior renderings are provided as Attachment D.

The below bullet points summarize La Popular's proposal for 235 N Yale Avenue:

- The sale and service of a full-line of alcoholic beverages for on-site consumption in conjunction with a bona-fide restaurant having a full-service kitchen
- 2,090-square foot interior dining area with 110 seats, including a centrally located 135-square foot bar with 22 bar seats
- New 842-square foot outdoor dining area with 56 seats (includes alcohol service)
- Hours of operation:
 - Monday-Friday: 11:00am - 1:00am
 - Saturday & Sunday: 10:00am - 1:00am
- Employees: 25-30 employees during busiest shifts (weekend dinner and brunch), Total hiring is anticipated to be 80 employees
- On-site parking: 20 on-site parking spaces (including one ADA space)

Outdoor Dining Area

An important component of La Popular's proposal is the new outdoor dining area, proposed to be located on the north side of the existing building at the property's Yale Avenue frontage. Located entirely on private property, the outdoor dining area would replace four existing angled parking stalls on the north side of the building. A low precision block wall and metal railing system will provide a barrier between the outdoor dining area and adjacent parking area and Yale Avenue sidewalk while also providing opportunities for planter areas. Such a barrier is required by California Department of Alcoholic Beverage Control (ABC) for outdoor alcohol service. The outdoor area would be directly accessible from the restaurant's indoor dining area as well as from Yale Avenue via a gate equipped with panic hardware. The outdoor dining area would feature a trellis covering with louvered openings allowing for the option of a solid covering to protect from the elements. Two feet of clearance is provided between western edge of the outdoor dining area and the adjacent parking space, and the patio features a chamfered corner to minimize the potential for conflicts with automobiles entering and exiting this parking space.

The site plan, indoor and outdoor floor plans, and elevations are included as Attachment B.

Parking

Unlike many restaurants in the Claremont Village, La Popular's parking requirement would be able to be satisfied entirely by on-site parking in the existing lot, which would have a total of 20 spaces after

the establishment of the outdoor dining area. Pursuant to CMC Section 16.060.030.A, the parking requirement for restaurants in the CVO District is one parking space for each 150 square feet of net indoor area and one parking space for each 200 square feet of net outdoor dining area. This results in a parking requirement of 14 parking spaces for the 2,090-square feet of indoor area (not including the bar and kitchen areas), and 4 spaces for the 842-square foot outdoor dining area for a total of eighteen spaces required for the proposal use as a whole. In addition to the 20 on-site parking spaces, the subject property has a non-conforming parking credit of four spaces that may be used to satisfy the parking requirements associated with the currently vacant tenant space adjacent to the proposed La Popular (the former Video Paradiso space) and the Bentley Building's currently vacant mezzanine spaces. When the CV District was adopted in 1975, parcels with existing buildings that had insufficient parking to meet the new code were granted non-conforming parking credits. The parking credits were determined by the existing uses at the time of the zone change. The minimum credit per building was two spaces and the maximum was 10 spaces. As noted above, the subject property was granted four parking space credits.

While the restaurant's Code-required parking requirement is satisfied by available on-site parking spaces, the operator recognizes the high demand for parking in the Village during evenings and weekends. In recognition of this, the operator will require employees to park in the remote satellite lot located near the intersection of Grinnell Drive and Bonita Avenue, located less than 500-feet away from the subject property to the west along Bonita Avenue. This lot was purchased by the City and has always been intended for overflow parking for Village merchants and their employees. Section 3.L in the draft approval resolution (Attachment A) memorializes this requirement for La Popular's employees and helps allocate parking for La Popular's customers and other visitors to the property.

BASIS FOR RECOMMENDATION

The approval of a CUP requires that the Planning Commission make certain findings as set forth in Section 16.303.040 of the CMC. Staff has determined that all the findings can be made to allow the on-site sale of alcohol and incidental outdoor seating for La Popular as identified in the draft resolution (Attachment A). Staff believes that La Popular will be a positive addition to the vibrant mix of uses found in the Claremont Village and that it will contribute to its synergy. Staff finds that with a strong restaurant concept and a proven operational team, La Popular will be able to anchor this prominent Village corner for the benefit of Claremont residents and visitors alike. Staff is also supportive of the outdoor dining area, finding that it will further activate the Claremont Village core with pedestrian activity and eyes on the street.

CEQA REVIEW

The Community Development Director has determined that the project under review is categorically exempt from the provisions of the California Environmental Quality Act (CEQA) pursuant to Section 15301 (Class 1) for existing facilities, in that the project entails the continued leasing of an existing tenant space involving a negligible expansion of use beyond that which currently exists. Therefore, no further environmental review is necessary.

PUBLIC NOTICE PROCESS

The agenda and staff report for this item have been posted on the City website and distributed to interested parties. If you desire a copy, please contact Nhi Atienza at natiienza@ci.claremont.ca.us.

On Thursday, September 8, 2022 the property was posted and written notices were mailed to

property owners within 300 feet of the boundaries of the site. Notice of the Planning Commission hearing was also published in the September 9, 2022 edition of the Claremont Courier. Copies of this staff report have been sent to the applicant and other interested parties.

Submitted by:

Brad Johnson
Community Development Director

Prepared by:

Nikola Hlady
Senior Planner

Attachments:

- A - Draft Resolution Approving Conditional Use Permit #22-C04
- B - Site Plan, Floor Plans, and Elevations
- C - La Popular Food and Beverage Menu
- D - Interior and Exterior Renderings

RESOLUTION NO. 2022-

A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF CLAREMONT APPROVING CONDITIONAL USE PERMIT FILE #22-C04, A REQUEST TO ALLOW THE SALE AND ON-SITE CONSUMPTION OF A FULL-LINE OF ALCOHOLIC BEVERAGES IN CONJUNCTION WITH A BONA-FIDE EATING ESTABLISHMENT AND A NEW OUTDOOR DINING AREA WITH A TOTAL OF 56 SEATS AT LA POPULAR RESTAURANT, LOCATED AT 235 NORTH YALE AVENUE. APPLICANT – MARK FERNANDEZ

WHEREAS, on June 30, 2022, the applicant submitted a Conditional Use Permit (CUP) application (File #22-C04) to allow the sale of a full-line of alcohol beverages (Type-47 Department of Alcoholic Beverage Control license) for on-site consumption in conjunction with a bona-fide eating establishment (restaurant) and for a new outdoor dining area of 842-square feet with 56 seats located at the subject property; and

WHEREAS, the restaurant is located within the Claremont Village Overlay District (CVO) where on-site alcohol sale and consumption in conjunction with a restaurant is subject to the approval of a CUP; and

WHEREAS, Section 16.090.040 of the Claremont Municipal Code (Incidental Outdoor Uses) requires that businesses that have more than a single row of tables for incidental outdoor seating be subject to the approval of a CUP; and

WHEREAS, notice of a public hearing was duly given and the above-mentioned site was posted on September 8, 2022; and

WHEREAS, notice of the public hearing was published in the September 9, 2022 edition of the Claremont Courier; and

WHEREAS, the Planning Commission held a public hearing on September 20, 2022, 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 sale of alcoholic beverages for on-site consumption in conjunction with a restaurant, and the establishment of a new outdoor seating area are categorically exempt from the provisions of the California Environmental Quality Act under Section 15301 (Class 1 – Existing Facilities), in that the project entails the continued leasing of an existing tenant space 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 CUP for the above-described project:

- A. The 2,090-square foot interior space (along with the 822-square foot kitchen and 135-square foot bar) and the 842-square-foot outdoor dining area are adequate in size and

shape to accommodate the on-site sale of a full alcohol menu, including beer, wine, and distilled spirits in conjunction with the service of a full restaurant menu. The indoor, outdoor, and bar dining areas can adequately accommodate the seating layout shown on the floor plan on file with the Planning Division. The restaurant use is consistent with and will complement the variety of retail, office, and commercial uses in the Claremont Village area and is anticipated to add to the synergy that makes the Village a desirable locale for the City's residents and visitors. Required parking for the restaurant use (18 spaces) is satisfied by on-site parking in the existing lot, which has 20 spaces. Additionally, the property has four non-conforming parking credits assigned through the 1976 Village Parking Study, which would allow for the currently vacant adjacent retail space to be parked per CMC requirements at a future date.

- B. The subject site relates to streets properly designed to carry the type and quantity of traffic generated by a restaurant use, with the sale of alcohol and having outdoor seating is not expected to significantly increase traffic along those streets, namely Bonita Avenue and Yale Avenue. Vehicular access to the site, located at the southwest corner of the intersection of Yale and Bonita Avenues will not be modified from the property's longstanding previous use (record store), with entrance to the existing parking lot provided from Yale Avenue and its exit provided through the north-south alley that bisects the block. While the addition of the outdoor dining area requires the removal of four parking spaces in the existing lot, the restaurant use is parked to Code using on-site parking in the existing lot. Additionally, on-street parking is available throughout the Claremont Village and it is anticipated that some of the restaurant's customers will use available on-street parking as they park once and patronize La Popular and surrounding merchants.
- C. It is not anticipated that the proposed alcohol sales in conjunction with a full restaurant menu, and outdoor seating would impair the integrity and character of the Claremont Village Overlay (CVO) District or otherwise adversely affect adjacent properties or the permitted use thereof. The Village is characterized by a mix of commercial, retail, office, and restaurant uses that result in a vibrant and attractive downtown district, and the proposed use is compatible with and will complement those uses. Additionally, the sale of alcohol is appropriate as it occurs in conjunction with the food menu and food service hours as required by the CMC. Additionally, there are numerous restaurants in the CVO that serve alcohol and have done so without incident.
- D. The proposed alcohol sales and outdoor dining uses are not contrary to the General Plan in that the full service of alcohol for on-site consumption in conjunction with a bona-fide eating establishment is consistent with the Claremont Village land use designation and the goals and policies set forth in the City's General Plan which encourages economic and social activity in commercial areas of the city. Specifically, approval of the CUP allowing full alcohol sales and outdoor dining will enhance the restaurant use, thereby directly supporting 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 to promote the development of a diversified local economy".
- E. The proposed use will not endanger or otherwise constitute a menace to the public health, safety, or general welfare in that the on-site sale of alcohol is an ancillary use to the primary restaurant use, as opposed to a stand-alone bar where the sale of alcohol

could raise compatibility and enforcement concerns. Furthermore, conditions of approval included in the Resolution give the City of Claremont the authority to revoke the conditional use permit if it is discovered that the restaurant operator is violating state regulations or any condition(s) of this approval. Moreover, the use is subject to the operating conditions imposed by the California Department of Alcoholic Beverages Control (ABC), which regulates and monitors the manner in which alcoholic beverages are sold throughout the State. The establishment of the new outdoor seating area will not endanger or constitute a menace to the public health and safety in that it has been designed to provide ample clearance for vehicles to enter and exit the property's parking spaces and is enclosed by a CMU wall that creates a barrier between the dining area and the parking lot.

Section 3. The Planning Commission hereby approves Conditional Use Permit 22-C04, based on the findings of Sections 16.303.04 of the Claremont Municipal Code outlined in Section B, above, and subject to the following conditions:

- A. This approval is for the sale of alcohol for on-site consumption in conjunction with a bona-fide eating establishment (Type-47 Department of ABC license) with a 2,090-square foot interior dining area and for the establishment of a new 842-square foot outdoor dining area, as described in the staff report and depicted on the site plan and floor plan on file with the Planning Division.
- B. This approval shall be valid for two years from the date of the Planning Commission action. If a Type 47 license is not secured from the State of California Department of Alcoholic Beverage Control (ABC) and the outdoor patio is not constructed within this timeframe, or an extension of the amended CUP is not granted, this approval shall automatically expire without further action by the City.
- C. Prior to commencing the service of beer and wine on the premises, the applicant shall obtain the appropriate license from 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.
- D. If the use for which this CUP was granted (a full-line of alcoholic beverages for on-site consumption in conjunction with a bona-fide restaurant) is discontinued for a period of 12 months or more, such use shall not be re-established, and the matter may be referred to the Planning Commission to initiate the proceedings for the revocation of this CUP.
- E. The hours of operation for this business are limited to 11:00 a.m. to 1:00 a.m. from Monday to Friday, and 10:00 a.m. to 1:00 a.m. on Saturday and Sunday.
- F. Noise sources associated with this restaurant use and outdoor seating shall not exceed the noise levels of 60 dBA from 10:00 p.m. to 7:00 a.m., and 65 dBA from 7:00 a.m. to 10:00 p.m., as set forth in Chapter 16.154 of the CMC.
- G. Food service shall be provided at all times and open to the public during normal business hours in conjunction with the sale of alcoholic beverages.
- H. Outdoor furniture shall be secured on a nightly basis.

- I. The applicant shall be responsible for conforming to all provisions and standards set forth in Chapter 16.090 of the Claremont Municipal Code for incidental outdoor uses.
- J. At the discretion of the Community Development Director or his/her designee, the designated outdoor dining area shall be maintained in a clean and safe manner, including washing down the area as need to remove spills.
- K. If staff determines the outdoor dining area is not being properly maintained, the applicant shall be notified. Upon inaction by the applicant, the City will perform all necessary cleaning procedures and the applicant is responsible to pay the associated cost.
- L. The restaurant's employees shall be required to park in the nearby public parking lot located near the intersection Bonita Avenue and Grinnell Drive after 5:30 p.m. so as to make on-site parking available to restaurant customers to alleviate demand for on-site parking resources in the Village area.
- M. Legal Action – Hold Harmless: 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.

Section 4. The Planning Commission Chair shall sign this resolution and the Commission's Administrative Secretary shall and certify to the passage and adoption thereof.

PASSED, APPROVED, AND ADOPTED this 20th day of September, 2022.

Planning Commission Chair

ATTEST:

RESOLUTION NO. 2022-05

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could raise compatibility and enforcement concerns. Furthermore, conditions of approval included in the Resolution give the City of Claremont the authority to revoke the conditional use permit if it is discovered that the restaurant operator is violating state regulations or any condition(s) of this approval. Moreover, the use is subject to the operating conditions imposed by the California Department of Alcoholic Beverages Control (ABC), which regulates and monitors the manner in which alcoholic beverages are sold throughout the State. The establishment of the new outdoor seating area will not endanger or constitute a menace to the public health and safety in that it has been designed to provide ample clearance for vehicles to enter and exit the property's parking spaces and is enclosed by a CMU wall that creates a barrier between the dining area and the parking lot.

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Section 4. The Planning Commission Chair shall sign this resolution and the Commission's Administrative Secretary shall and certify to the passage and adoption thereof.

PASSED, APPROVED, AND ADOPTED this 20th day of September, 2022.



Planning Commission Chair

ATTEST:



Planning Commission Administrative Secretary

STATE OF CALIFORNIA)
COUNTY OF LOS ANGELES)ss.
CITY OF CLAREMONT)

I, Nhi Atienza, Senior Administrative Assistant of the City of Claremont, County of Los Angeles, State of California, hereby certify that the foregoing Resolution No. 2022-05 was adopted by the Planning Commission of said City of Claremont at a regular meeting of said Commission held on September 20, 2022, by the following vote:

AYES: Commissioners: Andersen, Alvarez, Edwards, Emerson, Gonzalez, Jones, and Rahmim

NOES: Commissioners: None

ABSTENSIONS: Commissioners: None

ABSENT: Commissioner: None

ABSENT: Commissioner: None

ABSENT: Commissioner: None

**Senior Administrative Assistant
City of Claremont**

KEYED NOTES:

NUMBER	NOTE
1	EXISTING TROUGH DRAINS TO REMAIN. MODIFY AS REQUIRED FOR NEW PATIO. SEE ALSO CIVIL DRAWINGS
2	EXISTING LANDSCAPING IS TO REMAIN AS APPROVED UNDER SEPARATE PERMIT
3	EXISTING ACCESSORY PARKING IS TO REMAIN AS APPROVED UNDER SEPARATE PERMITS
4	EXISTING HYDRANT
5	FIRE POINT OF CONNECTION
6	EXISTING TRASH ENCLOSURE
7	NEW 1,500 GALLON GREASE INTERCEPTOR, APPROX. LOCATION SHOWN
8	REMOVE EXISTING TRASH ENCLOSURE
9	REMOVE PATCH AND REPAIR EXISTING ASPHALT AND SUB-BRACE AS REQUIRED
10	EXISTING CURB TO REMOVE
11	NEW CURB. SEE CIVIL DRAWINGS FOR MORE INFO

PROJECT DATA:

NET SQUARE FOOTAGE:	
KITCHEN:	822 SQ FT
BAR:	121 SQ FT
DINING:	2,080 SQ FT
OUTDOOR DINING:	942 SQ FT
NUMBER OF SEATS:	
INTERIOR:	110
EXTERIOR:	56
TOTAL SEATS:	166
PARKING REQUIRED:	
DINING:	2,080 SQ FT / 150 =
KITCHEN & BAR:	857 SQ FT / 150 =
OUTDOOR DINING:	1,187 SQ FT / 200 =
TOTAL REQUIRED:	24

GENERAL NOTES:

A. PROVIDE APPROVED SIGNS OR OTHER APPROVED NOTICES OR MARKINGS THAT INCLUDE THE WORDS "NO PARKING- FIRE LANE". SIGNS SHALL HAVE A MINIMUM DIMENSION OF 12 INCHES WIDE BY 18 INCHES HIGH AND HAVE RED LETTERS ON A WHITE REFLECTIVE BACKGROUND. SIGNS SHALL BE PROVIDED FOR THE EXTERIOR OF THE PROPERTY, AT THE ENTRANCE TO THE PROPERTY, AND AT THE ENTRANCE TO THE PROPERTY, OR PROHIBIT THE OBSTRUCTION THEREOF AND AT INTERVALS AS REQUIRED BY THE FIRE INSPECTOR. FIRE CODE 503.

B. PROVIDE ADDRESS NUMBERS, BUILDING NUMBER, OR APPROVED BUILDING IDENTIFICATION SHALL BE PROVIDED AND MAINTAINED SO AS TO BE PLAINLY VISIBLE AND LEGIBLE FROM THE STREET FRONTRING THE PROPERTY. THE NUMBERS SHALL BE PLACED WITHIN A DARK WHITE BACKGROUND, BE LEGIBLE, AND BE OF A CONTRAST COLOR, AND BE A MINIMUM OF 4 INCHES HIGH WITH A MINIMUM STROKE WIDTH OF 5 INCH. FIRE CODE 503.1.

C. AN ACCESSIBLE PARKING SPACE IS TO BE PROVIDED AS REQUIRED BY FIRE CODE 506. THE LOCATION OF EACH KEY BOX SHALL BE DETERMINED BY THE FIRE INSPECTOR.

D. EGRESS DOORS SHALL BE READILY OPENABLE FROM THE EGRESS SIDE WITHOUT THE USE OF A KEY OR TOOLS. FIRE CODE 1008.1.10.

E. EACH DOOR IN A MEANS OF EGRESS FROM A GROUP A, OR ASSEMBLY AREA NOT CLASSIFIED AS AN ASSEMBLY AREA, SHALL BE PROVIDED WITH AN EXTERIOR DOOR. THE DOOR SHALL NOT BE PROVIDED WITH A LATCH OR LOCK UNLESS IT IS AN EXTERIOR HARDWARE OR FIRE EXIT HARDWARE. BUILDING CODE 1008.1.10.

F. THE MINIMUM WIDTH OF THE PARKING SURFACE AT THE ACCESSIBLE SPACE AND ADJACENT ACCESS SPACE, IN ANY DIRECTION, IS 5'-10" PER SECTION 110.502.4.

G. ACCESSIBLE PARKING SPACES ARE TO BE IDENTIFIED BY A REFLECTORIZED SIGN, PERMANENTLY POSTED ON THE EXTERIOR DOOR TO BE VISIBLE FROM EACH SPACE, CONSISTING OF:

- A. A PROFILE VIEW OF A WHEELCHAIR WITH OCCUPANT, IN WHITE ON DARK BLUE BACKGROUND.
- B. THE SIGN SHALL BE 70 IN 2 IN AREA.

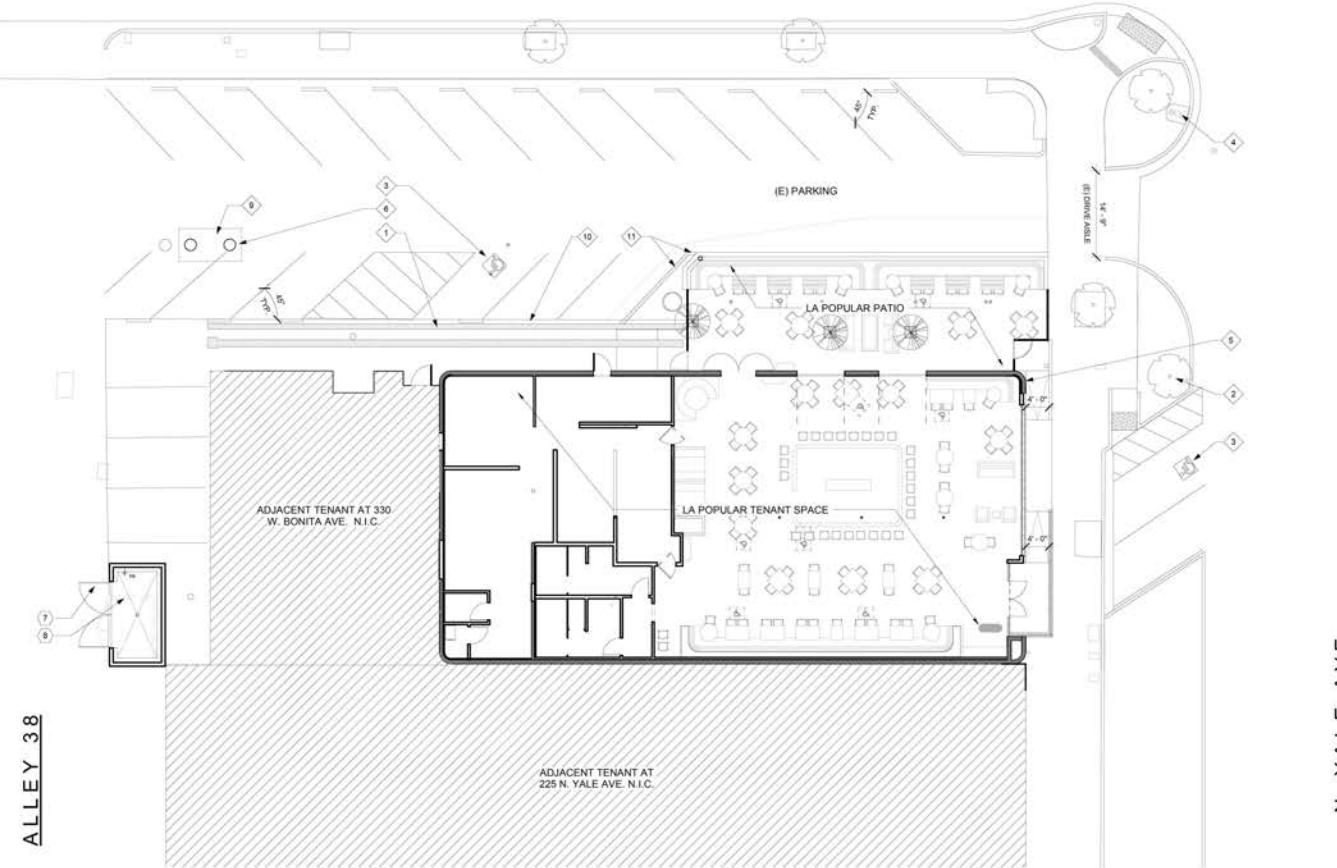
H. WHEN IN THE PATH OF TRAVEL, THEY SHALL BE POSTED \pm 80' FROM THE BOTTOM OF THE SIGN TO PARKING SPACE FINISHED GRADE.

I. SIGNS MAY ALSO BE CENTERED ON THE WALL OF THE INTERIOR END OF THE PARKING SPACE.

J. IN ADDITION, THE SURFACE OF EACH ACCESSIBLE SPACE IS REQUIRED TO BE MARKED WITH AN ADDITIONAL SIGN SHALL ALSO BE POSTED IN A CONSPICUOUS PLACE AT EACH ENTRANCE TO OFF STREET PARKING SPACES, OR MARKADLY ADJACENT TO THE ENTRANCE TO THE ACCESSIBLE SPACE. SECTION 110.502.4. THE SIGN SHALL BE 17" X 22" WITH LETTERING NOT $< 1"$ IN HEIGHT PER SECTION 1129.4. REQUIRED WORDING IS AS FOLLOWS: "UNAUTHORIZED VEHICLE PARKED IN DESIGNATED ACCESSIBLE PARKING SPACES". VEHICLES PARKED IN DESIGNATED ACCESSIBLE PARKING SPACES ISSUED FOR PERSONS WITH DISABILITIES MAY BE TOWED AWAY AT OWNER'S EXPENSE. TOWED VEHICLES MAY BE RECLAIMED AT \pm 80' FROM THE BOTTOM OF THE SIGN BY TELEPHONING:

- I. ALL PROPERTY LINES, EASEMENTS, AND BUILDING EXISTING AND PROPOSED ARE SHOWN ON THIS SITE PLAN.
- J. ALL SITE DESIGN & ELEMENTS ARE EXISTING. PLAN IS INCLUDED FOR REFERENCE ONLY.

BONITA AVE.

1 SITE PLAN
1" = 10'-0"

THIS DRAWING HAS BEEN PREPARED SOLELY FOR THE USE OF ELUMA, AND THERE ARE NO REPRESENTATIONS OF ANY DRAWINGS MADE TO ANY PARTY WITH WHOM NORR HAS NOT ENTERED INTO A CONTRACT.

THIS DRAWING IS NOT TO BE USED FOR CONSTRUCTION PURPOSES UNTIL THE DEAL APPEARING HEREON IS SIGNED AND DATED BY THE ARCHITECT OR ENGINEER.

CONSULTANTS
 CIVL: ANDRESON ENGINEERING
 LANDSCAPE: NORR
 ARCHITECTURE: NORR
 STRUCTURAL: YOUNG & ASSOCIATES, INC.
 MECHANICAL: NATIONAL ENGINEERING
 ELECTRICAL: NATIONAL ENGINEERING

SEAL(S)

NORR

1631 Alhambra Blvd | Suite 100 | Sacramento, CA 95811
1616 403 3807 | www.norr.com

PROJECT
LA POPULAR CLAREMONT
 235 N. YALE AVENUE
 CLAREMONT, CA 91711

DRAWING TITLE
ARCHITECTURAL SITE PLAN

DRAWN: CHECKED:
 AH SM ZM AV
 PROJECT NO: JCSR22-0059
 Sheet No:

A-001

ARCH D Title Block - R19.0 (Sept 12/19) Copyright © 2020

KEYED NOTES:

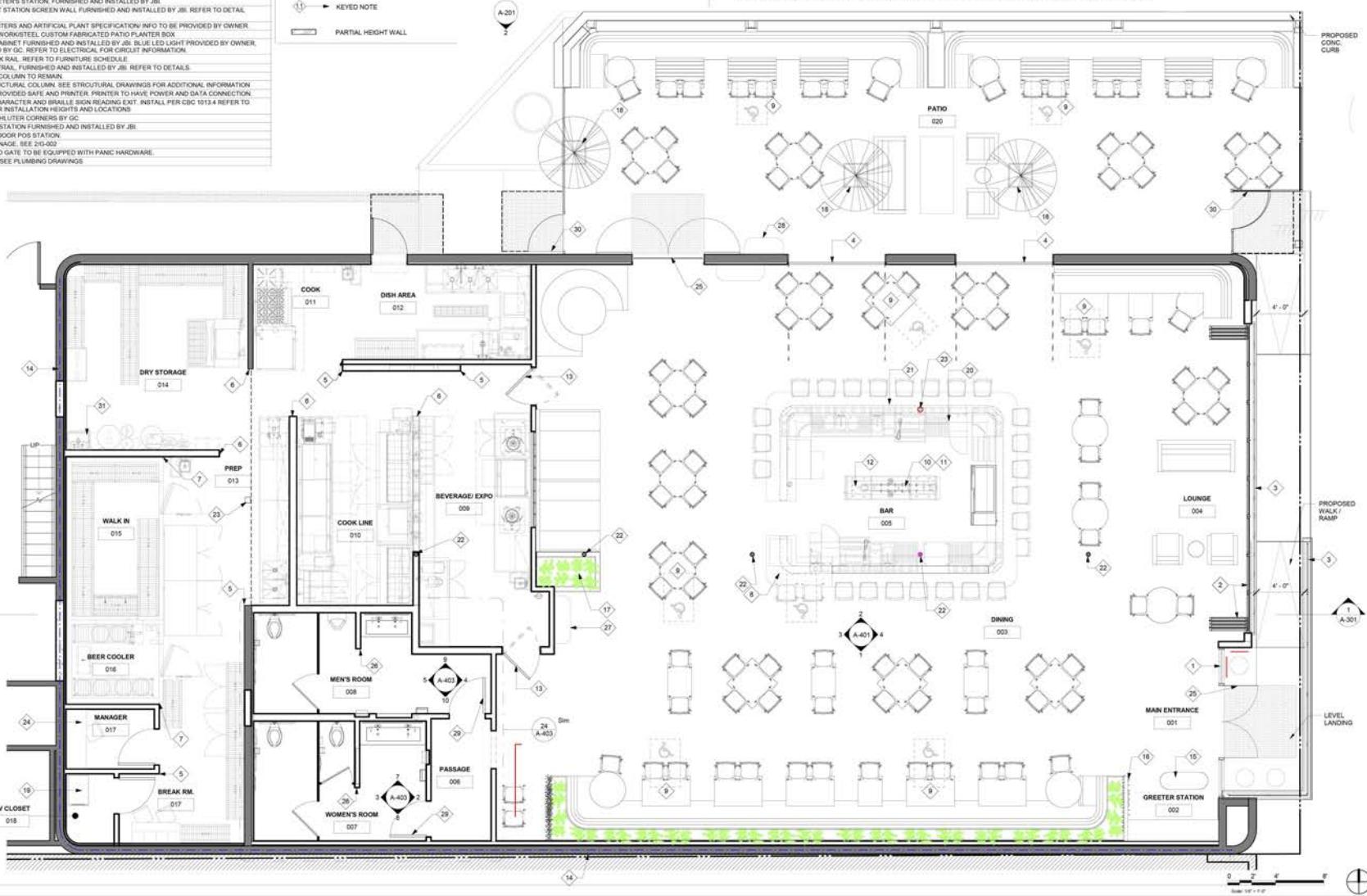
NUMBER	NOTE
1	NEW STOREFRONT
2	NEW NANA WALL STOREFRONT
3	NEW SIGN TO SUBMIT SHOP DRAWINGS FOR OWNER AND ARCHITECT APPROVAL
4	NEW FULL GLAZED TEMPERED GLASS ROLLING SHUTTER, QC TO SUBMIT SHOP DRAWINGS FOR OWNER AND ARCHITECT APPROVAL
5	ETAINLESS STEEL CORNER GUARD (19 1/2" RETURN), INSTALL FROM TOP OF TILE TO CEILING BY KITCHEN VENDOR
6	STAINLESS STEEL END CAP (19 1/2" RETURN), INSTALL FROM TOP OF TILE TO CEILING BY KITCHEN VENDOR
7	STAINLESS STEEL CLOSURE PLATE (19 GA) FROM FLOOR TO CEILING OR BOTTOM OF ISLAND BY KITCHEN VENDOR
8	ADA BAR TOP
9	PROVIDE CUSTOM ADA TABLE BASE
10	QC TO SUBMIT SHOP DRAWINGS FOR UNDERLASH FROM BEER COOLER TO BEER TABS. CONFIRM ROUTING WITH BEER VENDOR
11	QC TO RUN SODA LINES UNDERGROUND AND THROUGH BAR DIE WALL FROM NAV N BOX TO SOGA MACHINE. CONFIRM ROUTING WITH BEER VENDOR
12	NEW KITCHEN BAR CASKER, FURNISHED AND INSTALLED BY JBL REFER TO DETAILS
13	KITCHEN DOORS MUST BE TIGHT FITTING, SELF-CLOSING AND VERMIN PROOF, 1/4" MAX GAP AT THE BASE
14	EXISTING COLUMNS REMAIN
15	NEW KITCHEN STATION FURNISHED AND INSTALLED BY JBL
16	NEW HOT WATER STATION SCREEN WALL FURNISHED AND INSTALLED BY JBL REFER TO DETAILS 040460
17	NEW PLANTERS AND ARTIFICIAL PLANT SPECIFICATION INFO TO BE PROVIDED BY OWNER
18	NEW PLANTERS WORKSTATION CUSTOM FABRICATED PLANTER BOX
19	NEW AV CABINET FURNISHED AND INSTALLED BY JBL. BE LED LIGHT PROVIDED BY OWNER, INSTALLED BY JBL. REFER TO ELECTRICAL FOR CIRCUIT INFORMATION
20	NEW WORKSTATION REFER TO FURNITURE SCHEDULE
21	NEW FOOTBALL FIELD REFER TO FURNITURE SCHEDULE BY JBL REFER TO DETAILS
22	EXISTING COLUMN TO REMAIN
23	NEW STRUCTURAL COLUMN SEE STRUCTURAL DRAWINGS FOR ADDITIONAL INFORMATION
24	OWNER PROVIDED SAFE AND PRINTER. PRINTER TO HAVE POWER AND DATA CONNECTION
25	NEW PATIO GATE TO BE FURNISHED AND INSTALLED BY JBL REFER TO DETAILS 040202 FOR INSTALLATION HEIGHTS AND LOCATIONS
26	MT-101 SCHLUTER CORNERS BY GC
27	NEW POS STATION FURNISHED AND INSTALLED BY JBL
28	NEW SIGN TO SUBMIT SHOP DRAWINGS FOR OWNER AND ARCHITECT APPROVAL
29	DOOR SIGNAGE 26x202
30	NEW PATIO GATE TO BE EQUIPPED WITH HAND HARDWARE
31	MOI BINK SEE PLUMBING DRAWINGS

SYMBOLS LEGEND:

PARTITIONS LEGEND:

- INTERIOR PARTITIONS
- PARTIAL HEIGHT WALLS
- EXISTING CONDITIONS
- FREEZER/ COOLER WALLS
- EXISTING 1-HOUR U419 RATED DEMISING WALL BY LANDLORD
- EXISTING 2-HOUR U419 RATED DEMISING WALL BY LANDLORD
- INTERIOR PARTITION WITH SOUND BATT INSULATION

GENERAL NOTES:



THIS DRAWING HAS BEEN PREPARED SOLELY FOR THE USE OF EUREKA AND THERE ARE NO REPRESENTATIONS OF ANY KIND MADE BY NOR TO ANY PARTY WITH WHOM NORR HAS NOT ENTERED INTO A CONTRACT.

THIS DRAWING SHALL NOT BE USED FOR CONSTRUCTION PURPOSES UNTIL THE SEAL APPEARING HEREON IS SIGNED AND DATED BY THE ARCHITECT OR ENGINEER.

CONSULTANTS

CIVIL	ANDREASON ENGINEERING
LANDSCAPE	NA
ARCHITECTURE	NRIR
STRUCTURAL	BRAD YOUNG & ASSOCIATES, INC.
MECHANICAL	NATIONAL ENGINEERING
ELECTRICAL	NATIONAL ENGINEERING

SEAL(S)

NORR

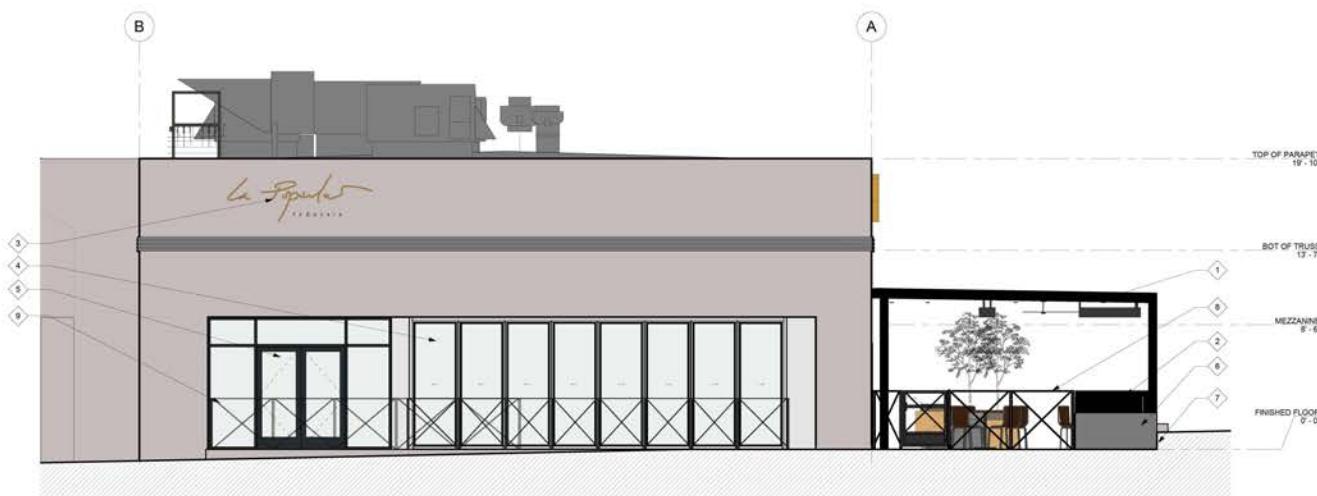
Le Populaire
TOUCYAN

PROJECT
LA POPULAR CLAREMONT
235 N. YALE AVENUE
CLAREMONT, CA 91715

DRAWING TITLE
KEY NOTE PLAN

DRAWN
A.H. SM
PROJECT NO.

JCSR22-0059



① EAST ELEVATION
1/4" = 1'-0"

GENERAL NOTES:

- A. ALL SIGNAGE TO COMPLY WITH ALL TENANT DESIGN CRITERIA
- B. ALL NEW STOREFRONT GLASS TO HAVE DARK TINT, CONFIRM SPECIFICATION WITH OWNER
- C. IT IS THE RESPONSIBILITY OF THE GC AND TRADES TO FAMILIARIZE THEMSELVES WITH THE EXISTING CONDITIONS PRIOR TO SUBMITTING A DEMOLITION SURVEY WITH THE OWNER AND LANDLORD. THE OWNER WILL NOT BE RESPONSIBLE FOR CONDITIONS WHICH HAVE BEEN DETERMINED TO RESULT FROM CONDITIONS THAT COULD HAVE BEEN KNOWN PRIOR TO THE START OF CONSTRUCTION.

KEYED NOTES:

NUMBER	NOTE
1	NEW MECHANICAL EQUIPMENT LOUVERED SYSTEM OVER PATIO ENGINEERED BY MANUFACTURER TO COMPLY WITH ALL APPLICABLE CODES AND REGULATIONS, FURNISHED AND INSTALLED BY MANUFACTURER.
2	NEW MILLWORK/STEEL CUSTOM FABRICATED PATIO PLANTER BOX
3	NEW HALO AND FACELIT ACRYLIC SIGN, FURNISHED AND INSTALLED BY SIGN MANUFACTURER. SIGN TO BE POWERED BY EXISTING ACCESS PANELS. REFER TO ELECTRICAL SHEETS FOR MORE INFORMATION. SIGNAGE UNDER SEPARATE PERMIT.
4	NEW LA CORTINA FOLDING SYSTEM
5	NEW STOREFRONT
6	NEW LOW CMU WALL STACK BOND WITH RAKED JOINTS
7	NEW CONCRETE CURB
8	NEW RAILING AND GATE AT PATIO
9	NEW RAILING AT NEW SLOPED WALK

THIS DRAWING HAS BEEN PREPARED SOLELY FOR THE USE OF ELUMEN AND THERE ARE NO REPRESENTATIONS OF ANY KIND MADE BY NORR TO ANY PARTY WITH WHOM NORR HAS NOT ENTERED INTO A CONTRACT.

THIS DRAWING IS TO BE USED FOR CONSTRUCTION PURPOSES ONLY. THE DEAL APPEARING HEREON IS SIGNED AND DATED BY THE ARCHITECT OR ENGINEER.

CONSULTANTS
CIVL: ANDRESON ENGINEERING
LANDSCAPE: N/A
ARCHITECTURE: NORR
STRUCTURE: YOUNG & ASSOCIATES, INC.
MECHANICAL: NATIONAL ENGINEERING
ELECTRICAL: NATIONAL ENGINEERING

SEAL(S)

NORR

1631 Alhambra Blvd | Suite 100 | Sacramento, CA 95811
916.403.3607 | www.norr.com

PROJECT

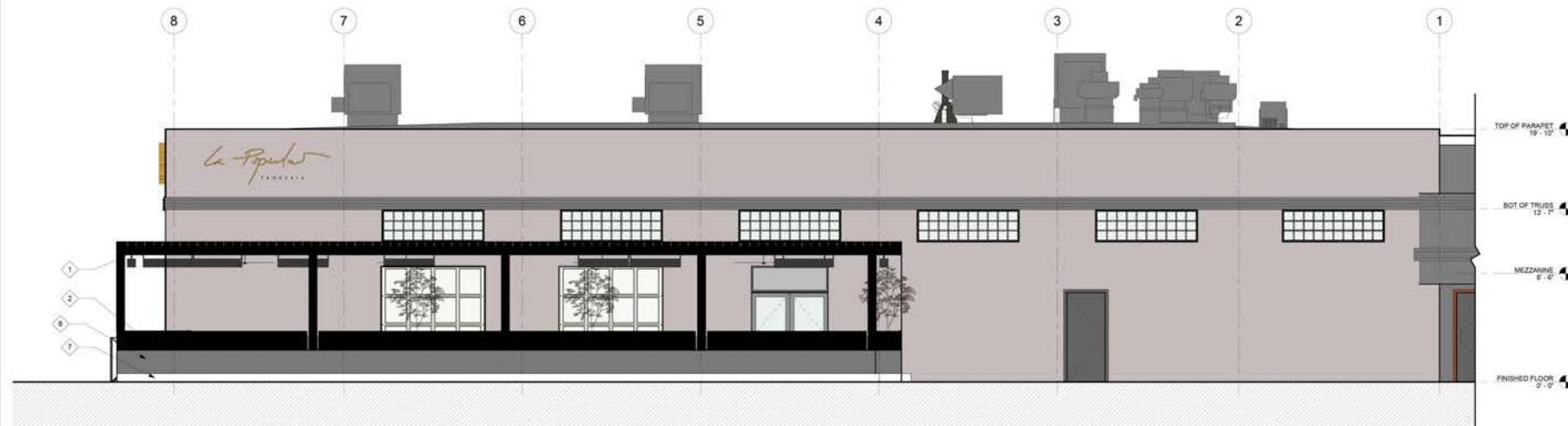
LA POPULAR CLAREMONT
235 N. YALE AVENUE
CLAREMONT, CA 91711DRAWING TITLE
EXTERIOR ELEVATIONS

DRAWN	CHECKED
AH SM	ZM AV
PROJECT NO.	
JGSR22-0059	
Sheet No.	

A-201

ARCH D Title Block - R19.0 (Sept 12/19) Copyright © 2020

② NORTH ELEVATION
1/4" = 1'-0"





① 3D PATIO VIEW

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THIS DRAWING IS NOT TO BE USED FOR CONSTRUCTION PURPOSES UNTIL THE DEAL APPEARING HEREON IS SIGNED AND DATED BY THE ARCHITECT OR ENGINEER.

CONSULTANTS
 CIVL: ANDREASON ENGINEERING
 LANDSCAPE: N/A
 ARCHITECTURE: NORR
 STRUCTURE: GORDON YOUNG & ASSOCIATES, INC.
 MECHANICAL: NATIONAL ENGINEERING
 ELECTRICAL: NATIONAL ENGINEERING

SEAL(S)

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La Popular
 TAQUERIA

PROJECT
LA POPULAR CLAREMONT
 235 N. YALE AVENUE
 CLAREMONT, CA 91711

DRAWING TITLE
EXTERIOR PERSPECTIVES

DRAWN	CHECKED
AH SM	ZM AV
PROJECT NO.	
JGSR22-0059	

Sheet No.
 A-901



② 3D ENTRY VIEW

RESOLUTION NO. 2025-15

A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF CLAREMONT, CALIFORNIA APPROVING CONDITIONAL USE PERMIT AMENDMENT #22-C04AMD, A REQUEST FOR MUSIC ENTERTAINMENT IN CONJUNCTION WITH AN EXISTING BONA-FIDE EATING ESTABLISHMENT, LOCATED IN THE CLAREMONT VILLAGE AT 235 NORTH YALE AVENUE. APPLICANT – LA POPULAR RESTAURANT

WHEREAS, on June 24th, 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 Claremont Village at 235 North Yale Avenue; 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. La Popular occupies an existing restaurant tenant space within a fully developed commercial center at 235 North Yale Avenue. The existing facility is adequate in size and configuration to accommodate the proposed indoor music entertainment. The proposed live entertainment activity will occur entirely within the interior of the existing tenant space and will be subject to closures of the front doors and northern and eastern roll-up garage/window doors and any outdoor music will be limited to low levels, 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 Claremont Village 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 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, provided that all entertainment is conducted in compliance with the Conditions of Approval. While the applicant proposes regular live music and amplified sound, the imposition of conditions requiring front doors and northern and eastern garage/window doors to remain closed during music entertainment, limiting outdoor music to background music levels, and limiting sound levels to prevent audibility beyond the property line will minimize potential noise impacts and ensure compatibility with surrounding commercial 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. La Popular will continue to operate under the conditions of its existing CUP and any additional conditions imposed through this amendment. 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 #22-C04AMD, 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 one to three-piece band music groups and general amplified music in conjunction with a bona-fide restaurant at 235 North Yale Avenue.
- B. Alcohol sales and service hours are as follows:
 - Monday through Friday: 11:00 AM to 1:00 AM
 - Saturday & Sunday: 10:00 AM to 1:00 AM

The approved hours of live musician(s) entertainment are limited to Tuesdays and Sundays from 6:00 PM to 11:00 PM.

The Planning Commission shall approve any changes to the hours during which alcohol is sold/served and music entertainment is conducted. The Community Development Director shall approve any changes to the days of the week music entertainment is conducted, not to exceed two days per week.

- C. Disc Jockey events shall be limited to four events per calendar year in addition to the two days per week of live entertainment.
- D. No outdoor live music shall be permitted at any time within the patio or exterior areas.
- E. The front entrance doors and garage-style roll-up doors on the north and east side of the building shall remain fully closed during all live music, except for normal ingress and egress.
- F. Noise sources 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 ten feet from the exterior walls of the restaurant and zero feet at common walls shared with neighboring tenants as set forth in Chapter 16.154 of the Claremont Municipal Code.
- G. The dining area and music entertainment shall be continuously supervised by management or employees of the business.
- H. All applicable conditions set forth by Planning Commission Resolution #2022-05 shall remain in effect.
- I. 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 including up to suspension, revocation, or modification of this CUP
- J. 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.
- K. 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.
- L. 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.

- M. 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.
- N. 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.
- O. 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

STATE OF CALIFORNIA)
COUNTY OF LOS ANGELES) ss.
CITY OF CLAREMONT)

I, Nhi Atienza, Senior Administrative Assistant of the City of Claremont, County of Los Angeles, State of California, hereby certify that the foregoing Resolution No. 2025-15 was adopted by the Planning Commission of said City of Claremont at a regular meeting of said Commission held on December 16, 2025, by the following vote:

AYES: Commissioners: Callaway, Davis, Emmert, Rahmim, Rosenbluth, and Wong

NOES: Commissioners: None

ABSTENSIONS: Commissioners: None

ABSENT: Commissioner: Williamson

John S. S.
Senior Administrative Assistant

**Senior Administrative Assistant
City of Claremont**

**PLANNING COMMISSION
REGULAR MEETING MINUTES**

Tuesday, December 16, 2025 – 7:00 PM

Video Recording is Archived on the City Website

<https://www.claremontca.gov/Government/City-Council/Watch-a-Meeting>

CALL TO ORDER

Chair Rahmim called the meeting to order at 7:00 p.m.

PLEDGE OF ALLEGIANCE

ROLL CALL

PRESENT

COMMISSIONER: CALLAWAY, DAVIS, EMMERT, RAHMIM, ROSENBLUTH, WONG (arrived at 7:01 PM)

ABSENT

COMMISSIONER: WILLIAMSON

ALSO PRESENT

Brad Johnson, Community Development Director; Daniel Kim, Assistant Planner; Nhi Atienza, Senior Administrative Assistant

CEREMONIAL MATTERS, PRESENTATIONS, AND ANNOUNCEMENTS

There were no ceremonial matters, presentations, or announcements.

PUBLIC COMMENT

This item starts at 0:01:10 in the archived video.

Chair Rahmim invited public comment.

There were no requests to speak.

Chair Rahmim closed public comment.

CONSENT CALENDAR

This item starts at 0:03:26 in the archived video.

Chair Rahmim invited public comment.

There were no requests to speak.

Chair Rahmim closed public comment.

Commissioner Callaway moved to approve the Consent Calendar, seconded by Commissioner Rosenbluth; and carried on by roll call vote as follows:

AYES: *Commissioner - Callaway, Davis, Emmert, Rahmim, Rosenbluth*
NOES: *Commissioner - None*
ABSENT: *Commissioner – Williamson*
ABSTENTION: *Commissioner - Wong*

1. Planning Commission Meeting Minutes of December 2, 2025
Approved and filed.

PUBLIC HEARINGS

This item starts at 0:05:21 in the archived video.

2. Request for a Conditional Use Permit (File #07-C09AMD) 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.

Assistant Planner Kim presented a PowerPoint presentation and addressed Commissioners' inquiries regarding conditions of the original CUP, where and how decibel levels are read, 9:30 PM as the end time for entertainment, Casa 425's lounge hours, applicant's request, noise complaints, violation enforcement process, and the reasoning for prohibiting DJs and requiring closed doors with the decibel reading.

Antonio Santana, Owner of Casa Maguey, stated that usually only one person is playing the guitar and one speaker. He does not recall any complaints. As requested, he cancelled the DJ event for Cinco De Mayo and submitted for the CUP. He is asking for two to three DJ events per year and would respect the time and neighbors. He would like to do the right thing. In response to the Commissioners' inquiries, he confirmed that there would be two to three DJ events per year, events would start early evenings and would end at the latest 9:30 PM, he does not recall any complaints, and the restaurant would not play loud, inappropriate music that would affect the neighbors.

Chair Rahmim invited public comment.

Commission Secretary Atienza announced that one written public comment was received.

There were no additional requests to speak.

Public comment was closed.

Director Johnson clarified that there have not been many complaints, except for a few calls from annoyed residents. DJs do add a level of louder noise, and this is to curtail potential issues.

Commissioner Emmert stated that the conditions of the CUP need to be better defined, but he is unsure what that entails and would like to gain a better understanding of how to proceed.

Commissioner Callaway, in reading Casa 425's letter, stated that it's important to make these determinations clearer, more concrete. This is a good process to get everyone in agreement with the specifics of the code.

Commissioner Rosenbluth stated that all the findings can be made. By changing the time to 11:00 PM to match Casa 425 and providing a more specific description of decibel measurement, he would support the request.

Commissioner Davis agreed with Commissioner Rosenbluth that the time should be changed to 11:00 PM. He does not understand the prohibition on DJs, especially when noise levels will be determined by decibel readings.

Vice Chair Wong agreed that prohibition is not necessary if we are using decibel readings as a tool, the need for a more specific description of decibel measurement, as well as changing the time to 11:00 PM.

Chair Rahmim suggested the prohibition on DJs, changing the entertainment time from 9:30 PM to 10:00 PM, and determining the decibel reading at the property boundary.

Commissioner Callaway agreed with the 10:00 PM time change.

Commissioner Emmert requested for DJs to be permitted two times a year, with notice.

Commissioners Callaway and Davis agreed with the suggestions.

Commissioner Wong stated that the decibel readings should be the deciding factor. He also suggested increasing the DJ events to four times per year.

Commissioner Rosenbluth suggested that the decibel readings should be taken at 10 feet from the exterior of the restaurant/patio.

Commissioner Davis moved to adopt Resolution No. 2025-14, 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 as amended to limit the use of disc jockeys/special events to four events per calendar year, live entertainment will be limited to 10:00 PM, and the sound decibel reading will be read at a distance of ten feet from the exterior restaurant/patio; and find this item is exempt from environmental review under the California Environmental Quality Act (CEQA). Seconded by Commissioner Wong; and carried on a roll call vote as follows:

AYES: Commissioner - Callaway, Davis, Emmert, Rahmim, Rosenbluth, Wong
NOES: Commissioner - None
ABSENT: Commissioner - Williamson

Chair Rahmim announced this decision can be appealed within ten calendar days.

This item starts at 1:06:32 in the archived video.

3. Request For A Conditional Use Permit (File #22-C04amd) For Music Entertainment In Conjunction With An Existing Bona-Fide Eating Establishment, Located In The Claremont Village At 235 North Yale Avenue. Applicant – La Popular Restaurant.

Assistant Planner Kim presented a PowerPoint presentation and addressed Commissioners' inquiries regarding noise complaints, preferential treatment, applicant's DJ and time requests, and indoor/outdoor amplified music.

Daniel Sandoval, Regional Director of La Popular, requested flexibility with the number of DJ events (the restaurant currently holds four to five events per year), leeway regarding the decibel reading level, the ability to shift the times/days for live entertainment, and flexibility with signage.

Mr. Sandoval clarified that the entertainment days will remain at two and is requesting for flexibility to shift times/days, DJ events are about four times a year, there are two special events, and the decibel level suggested is low. He understands that the City is starting the compliance process, and he is working to ensure compliance. There have not been any police department complaints or fines.

Chair Rahmim invited public comment.

Commission Secretary Atienza announced that one written public comment was received.

Luara Cayley, owner of 225 Yale Avenue and multiple businesses in Claremont, stated that La Popular is a troublesome establishment. They do not currently have a CUP and are hosting live music and DJ events and do not comply with the rules. She is not able to play her music without being overwhelmed by La Popular's music. She suggested the City investigate further before granting any more privileges.

Whitney lives locally and is a patron of the village. She complains about the loud music from La Popular.

Union on Yale Manager stated that it is very difficult to communicate with their patrons on the patio or indoors due to La Popular's loud music. The music is loud enough that staff can understand the lyrics from the back of Union on Yale. It is very loud. She suggested that La Popular close its doors and lower its music so that it's not so loud.

There were no additional requests to speak.

Public comment was closed.

Assistant Planner Kim clarified that La Popular has been operating outside of the code.

Mr. Sandoval apologized for the disruption and stated that once he is notified, he will immediately remedy the situation. He clarified that there have been five to six DJ events, and the rest consist of a guitarist and a singer. Last Friday was the first time that a complaint was made to the restaurant. He agreed that it is best to close the doors during DJ events, but there is an audio factor that draws customers in.

Commissioner Davis stated that closing the doors would resolve a lot of the issues. La Popular should also be granted the same changes as granted to Casa Maguey.

Commissioner Rosenbluth stated that all the findings can be made. He would support the CUP with the following changes: allowing four special events per year and the decibel reading is limited to 65 and should be taken at 10 feet from the exterior of the restaurant/patio and zero feet at the south wall.

Commissioner Callaway stated that it's difficult to maintain a decibel level. Keeping the doors closed will be more effective.

Commissioner Emmert stated that the music is affecting the surrounding businesses and agreed that closing the doors to meet the decibel level would suffice.

Commissioner Wong stated that it would be difficult to enforce decibel levels since the buildings are wall-to-wall.

Commissioner Rahmim stated that closing the doors and abiding by the decibel readings will alleviate the issue. He reviewed the suggested changes.

Commissioner Callaway moved to adopt Resolution No. 2025-15, A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF CLAREMONT, CALIFORNIA APPROVING CONDITIONAL USE PERMIT AMENDMENT #22-C04AMD, A REQUEST FOR MUSIC ENTERTAINMENT IN CONJUNCTION WITH AN EXISTING BONA-FIDE EATING ESTABLISHMENT, LOCATED IN THE CLAREMONT VILLAGE AT 235 NORTH YALE AVENUE. APPLICANT – LA POPULAR RESTAURANT as amended to limit the use of disc jockeys/special events to four events per calendar year, live entertainment days may be modified upon City staff approval, the sound decibel reading will be read at a distance of ten feet from the exterior restaurant/patio or zero feet at the common wall, and “associated with entertainment use” shall be deleted from Section 3F; and find this item is exempt from environmental review under the California Environmental Quality Act (CEQA). Seconded by Commissioner Wong; and carried on a roll call vote as follows:

AYES: *Commissioner - Callaway, Davis, Emmert, Rahmim, Rosenbluth, Wong*
NOES: *Commissioner - None*
ABSENT: *Commissioner - Williamson*

Chair Rahmim announced this decision can be appealed within ten calendar days.

ADMINISTRATIVE ITEM – None

REPORTS

This item starts at 1:55:20 in the archived video.

Staff

Director Johnson reported on items of interest from the previous City Council meeting, announced that cancellation of the January 6, 2025 meeting due to the holiday break, and described future items coming before the Commission.

Commission/Committee

None

ADJOURNMENT

Chair Rahmim adjourned the meeting at 8:58 PM.

Chair

ATTEST:

Administrative Assistant

DRAFT

Subject: Ongoing Noise Violations and Preferential Treatment – La Popular

Good morning,

I am writing to formally make you aware of ongoing and repeated noise issues involving La Popular.

On Friday night, I was forced to leave Viva Madrid and two private parties to address excessively loud DJ music coming from La Popular.

I spent over 30 minutes speaking with their staff and management before they finally agreed to close their front doors. Unfortunately, the same situation occurred again on Sunday night.

On Sunday, I was unable to leave the kitchen, so the noise continued throughout the evening.

Waiting customers could not sit outside and were subjected to overwhelming noise in the hallway, directly impacting my business operations and guest experience.

The City currently allows La Popular full use of their premises, as well as the streets and sidewalks along Yale Avenue, effectively extending their business footprint. As a result, I am no longer able to fully use or enjoy my private property due to their ongoing violations, which the City appears to be overlooking.

This situation is particularly upsetting given that I wrote tax payments totaling tens of thousands of dollars—nearly \$100,000—last week for properties in Claremont. One of those properties houses a business that contributes significantly to the City’s tax base, yet I am unable to operate without disruption.

I strongly believe La Popular should not be granted permits until they demonstrate at least six months to a year without violations. They continue to receive preferential treatment at the direct expense of my businesses, my livelihood, and other long-standing residents and business owners in Claremont who are deeply invested in this community.

I hope there will be meaningful support expressed tonight for residents and businesses who have consistently contributed to Claremont and expect fair enforcement of the rules.

Thank you for your time and consideration.

Sincerely,
Laura Cayley