

**PLANNING COMMISSION RESOLUTION NO. 2026-****A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF CLAREMONT, CALIFORNIA, RECOMMENDING THE CITY COUNCIL ADOPT AN AMENDMENT TO THE CLAREMONT MUNICIPAL CODE CHAPTER 16.093 – DRIVE-THROUGH RESTAURANT FACILITIES (#26-CA01)**

**WHEREAS**, Chapter 16.093 of the Claremont Municipal Code establishes performance standards applicable to restaurant drive-through facilities; and

**WHEREAS**, Section 16.093.020 of the Claremont Municipal Code permits restaurant drive-through facilities only within the CF (Commercial Freeway) District, subject to approval of a Conditional Use Permit; and

**WHEREAS**, Section 16.093.040 of the Claremont Municipal Code currently requires restaurant drive-through facilities to be separated from any residential district or residential development by at least 300 feet, or by a freeway; and

**WHEREAS**, in certain instances, restaurant drive-through facilities were lawfully established in compliance with applicable regulations but later became legal nonconforming uses due to subsequent zone changes or the development of residential uses within 300 feet of the drive-through facility; and

**WHEREAS**, Chapter 16.400 of the Claremont Municipal Code regulates legal nonconforming uses and generally prohibits their expansion or intensification; and

**WHEREAS**, the City desires to amend Chapter 16.093 to clarify that the 300-foot separation requirement and the restrictions on legal nonconforming uses shall not apply to modifications of lawfully established restaurant drive-through facilities that became nonconforming due to subsequent zone changes or nearby residential development, as set forth in the Exhibit, attached hereto and incorporated herein (the “Code Amendment”); and

**WHEREAS**, the proposed Code Amendment would allow such modifications, including expansion of drive-through lanes, subject to approval of a Conditional Use Permit, thereby ensuring continued discretionary review of site-specific impacts; and

**WHEREAS**, notice of the public hearing was duly given on June 10, 2026; and

**WHEREAS**, the Planning Commission of the City of Claremont held a public hearing on July 7, 2026, at which time all persons wishing to testify in connection with said proposal were heard and said proposal was fully studied.

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

**SECTION 1.** The above recitals are true and correct.

**SECTION 2.** The Planning Commission finds that the proposed Code Amendment is in the best interest of the City because it provides a reasonable mechanism for lawfully established restaurant drive-through facilities that became nonconforming through no action of the property owner to modernize and improve operational functionality, while preserving the City's ability to review and address site-specific impacts through the Conditional Use Permit process.

**SECTION 3.** The Planning Commission recommends the City Council find and determine that the proposed Code Amendment is exempt from the California Environmental Quality Act (CEQA) pursuant to Section 15061(b)(3) of the CEQA Guidelines because it can be seen with certainty that the amendment will not result in a significant effect on the environment.

**SECTION 4.** The Planning Commission recommends the City Council approval of the Code Amendment as set forth in the Exhibit, attached hereto and made a part hereof.

**SECTION 5.** 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 7th day of July, 2026.

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Planning Commission Chair

ATTEST:

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

## EXHIBIT

### CODE AMENDMENT

§ 16.093.040 Performance standards.

All drive-through facilities shall be subject to the following performance standards:

#### A. Separation From Sensitive Land Uses

1. A drive-through facility shall be separated from any residential development or residential district by no less than 300 feet, or a freeway. This separation requirement and the restrictions in Chapter 16.400 on the enlargement or extension of nonconforming uses and structures shall not apply to a drive-through facility that was lawfully established but later became nonconforming through a zone change or through residential development within 300 feet of the drive-through facility.
2. The drive-through facility shall be buffered and visually screened from residential development with a wall and landscaping, by other natural or constructed barriers, such as other commercial development or freeway, or combination thereof.