

RESOLUTION NO. 2025-**A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF CLAREMONT, CALIFORNIA APPROVING A REQUEST FOR CONDITIONAL USE PERMIT #25-C03, TO ESTABLISH A CIGAR LOUNGE, LOCATED AT 230 WEST FOOTHILL BOULEVARD. APPLICANT – NICK ROEFER.**

WHEREAS, on February 19, 2025, the applicant submitted an application for a Conditional Use Permit (File #25-C03) to establish a cigar lounge within an existing tenant space located at 230 West Foothill Boulevard; and

WHEREAS, the property is located within the Commercial Highway (CH) zoning district, where cigar lounges are conditionally allowed with the approval of a Conditional Use Permit (CUP); and zoning is consistent with the General Plan designation of Commercial; and

WHEREAS, notice of a public hearing was duly given on April 25, 2025; and

WHEREAS, the Planning Commission held a public hearing on May 6, 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 project under review is categorically exempt from the provisions of the California Environmental Quality Act (CEQA), pursuant to Section 15301 – Existing Facilities (Class 1), in that the project entails the leasing of an existing tenant space within a private structure involving negligible or no expansion of an existing or former use. The project involves the operation, permitting, and leasing of a commercial use that is consistent with the zoning designation, General Plan Land Use district, and uses within other tenant spaces of the same building and complex, and does not propose any expansion of the existing tenant space proposed for use, and will not require additional site improvements to accommodate the business operations proposed. Therefore, no further environmental review is necessary.

SECTION 2. The Planning Commission makes the following findings in regards to the CUP request for the above-described project:

- A. The tenant space is approximately 1,630-square-feet in area and is adequate in size and shape to accommodate the operation of the proposed cigar lounge use. No additional floor area would be added to the existing tenant space or building footprint. Parking for the proposed use is adequately served by existing parking on the commercial lot as no new parking is required.
- B. The site for the proposed cigar lounge use relates to streets and highways properly in that the adjacent street, Foothill Boulevard, is able to accommodate the traffic generated by the cigar lounge use. The proposed use will not generate a significant amount of new traffic and the use can continue to be accommodated by the existing street.

- C. The proposed use will not impair the integrity and character of the underlying zone of the CH zoning area or otherwise have an adverse effect on adjacent properties or the permitted use thereof in that the proposed cigar lounge is restricted to the interior with a requirement for ventilation and odor filtering. Although this use is unique from the surrounding retail, office, and service businesses, the CH zoning district is intended for a broad range of uses. The cigar lounge will provide a complementary use within the CH zoning district.
- D. The proposed cigar lounge is not contrary to the General Plan, as the policies of the General Plan encourage economic and social activity in commercial areas of the City. The existing business is consistent with the Commercial land use designation. The use is also consistent with Goals 2 and 3 of the General Plan, which encourages the accommodation of a range of land uses that meet the needs of the City.
- E. The proposed use will not endanger or otherwise constitute a menace to the public health, safety, or general welfare in that the proposed use consists of the operation of an upscale cigar lounge. These types of businesses operate in the interior of a tenant space, the use of CUP's regulate these businesses with conditions of approval that further minimize the potential for negative impacts.

SECTION 3. The Planning Commission hereby approves CUP #25-C03, based on the findings of Section 16.303.040 of the Claremont Municipal Code (CMC) outlined in Section B above, and subject to the following conditions:

- A. This approval is for a 1,630-square-foot cigar lounge use located at 230 West Foothill Boulevard, as depicted on the floor plan on file with the Planning Division.
- B. Hours of operations are established as:

 Sunday – Thursday: 6:00 AM – 11:00 PM
 Friday – Saturday: 6:00 AM – Midnight
- C. This approval shall be valid for two years from the date of the Planning Commission action. If a business permit is not secured within that time frame, or an extension is not granted, then this approval shall automatically expire without further action by the City.
- D. Should the use for which this CUP was granted (cigar lounge) be 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 CUP.
- E. Prior to the commencement of retail business operations, the applicant shall display "We Card" placards in the windows, at the sales counter, and elsewhere inside the sales areas to alert the public that ID's will be checked. The posting of

such signage is required under the Stop Tobacco Access to Kids Enforcement (STAKE) Act.

- F. There shall be no “self-service” merchandising of tobacco products within the premises. All tobacco products shall be kept in such a manner that only store personnel may provide them upon the request of the customers.
- G. Three (3) or more verified sales of tobacco products to minors within a one (1) year time interval, measured from the time of the first such violation, as verified by the Claremont Police Department and/or the California Department of Health Services, shall be grounds for initiation of proceedings for the revocation of this conditional use permit.
- H. Incidental outdoor uses, including outdoor recreation or smoking, shall be prohibited at all times.
- I. The applicant and successors shall operate the subject premises in a safe and sanitary manner at all times. Any municipal, Health Code, or other violations, as determined by the City of Claremont, Los Angeles County Health Services Department, or Los Angeles County Fire Department, may be grounds for initiation of proceedings for the revocation of this conditional use permit.
- J. Ventilation must be supported through an HVAC system with sufficient carbon filters, or similar odor eliminating filters, to eliminate odors escaping to the exterior of the business. The applicant must provide the Planning Division with specifications of the proposed HVAC and filtering system prior to business operation commencement.
- K. Prior to business commencement, the applicant shall work with the City and the property owner or manager to plant new tree canopy throughout the surface parking lots surrounding the property.
- L. Prior to the issuance of a business license, the applicant/business owner shall be responsible for providing a current up-to-date license from the California Department of Tax and Fee Administration for a tobacco retail license.
- M. No alcohol sales, service, or storage is approved as part of this approval. Any request for sale or consumption of alcohol on the premises must be approved by the City of Claremont and the California Department of Alcoholic Beverage Control.
- N. Prior to the issuance of a business permit, the applicant shall pay any and all outstanding development review fees regarding the CUP (File #25-C03).
- O. Any signage proposed for the cigar lounge business shall fully comply with the City standards regarding signs further identified in Title 18 of the Claremont Municipal Code.

- P. Noncompliance with any condition of approval shall constitute a violation of the City's Municipal Code. Violations may be enforced in accordance with the provisions of Title 16 and/or the administrative fines program of Title 1 of the Claremont Municipal Code.
- Q. The applicant/owner, by utilizing the benefits of this approval, shall thereby agree to defend, at its sole expense, any action against the City, its agents, officers, and employees because of the issues of such approval. In addition, the applicant/owner shall reimburse the City et al for any court costs and attorney fees, which the City et al may be required to pay as a result of such action. The City may, at its sole discretion, participate at its own expense in the defense of any such action, but such participation shall not relieve the applicant/owner of its obligation hereunder.
- R. Failure to comply with any of the conditions, including design issues as shown on plans reviewed and approved by the City of Claremont, may result in failure to obtain a building final and/or 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 6th day of May 2025.

Planning Commission Chair

ATTEST:

Planning Commission Secretary