

RESOLUTION NO. 2025-

A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF CLAREMONT, CALIFORNIA, APPROVING A REQUEST FOR A CONDITIONAL USE PERMIT AMENDMENT FILE #99-C09AMD TO AMEND THE FLOOR PLAN AND ADD ENTERTAINMENT USES AT AN EXISTING ABC LICENSED BONA-FIDE EATING ESTABLISHMENT IN AN EXISTING RESTAURANT SPACE, WALTER'S RESTAURANT, LOCATED AT 310 YALE AVENUE. APPLICANT – NANGYALAI GHAFARSHAD

WHEREAS, on June 25, 2025, the applicant submitted an application for an amendment to the existing Conditional Use Permit (File #99-C09) to amend the floor plan and add entertainment uses at an existing ABC licensed bona-fide eating establishment in an existing restaurant space, Walter's Restaurant, located at 310 Yale Avenue; and

WHEREAS, the existing restaurant is within the Claremont Village (CV) zoning district, where on-site full alcohol consumption and outdoor seating areas of this nature are allowed with the approval of a Conditional Use Permit (CUP); and

WHEREAS, notice of a public hearing was duly given and the above-mentioned site was posted on September 4, 2025; and

WHEREAS, notice of the public hearing was published in the edition of the Claremont Courier on September 5, 2025; and

WHEREAS, the Planning Commission held a public hearing on September 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 project is categorically exempt from the provisions of the California Environmental Quality Act pursuant to CEQA Guidelines Section 15301 (Class 1) for existing facilities, in that the project entails the continuation and minor expansion of a previously existing use within a private structure involving a negligible expansion of use beyond that which currently exists. Therefore, no further environmental review is necessary.

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

- A. The existing restaurant is adequate in size and shape to accommodate the bar expansion and continued operation of the existing restaurant. The subject property is allocated a parking credit of forty-three spaces through the purchase or parking credits and in-lieu fees throughout the years. Though the total required parking spaces amount to forty-six parking spaces, AB 2097, a state law that went into effect on January 1, 2023, prohibits jurisdictions from enforcing minimum parking requirements for projects located within a ½-mile of a major transit stop, such as the Claremont Metrolink station. In either case, Walter's Restaurant

customers and employees must rely on public parking resources to maintain available parking for Walter's Restaurant customers and other patrons of Village businesses.

- B. The site for the proposed use relates to streets and highways properly in that the adjacent streets will be able to accommodate the amount of traffic generated by the existing restaurant use. The proposed bar expansion and event hosting represents a relatively minor expansion of an existing use and will not detrimentally impact the amount of traffic generated in and around the Village.
- C. The proposed use will not impair the integrity and character of the zoning in which it is located or otherwise have an adverse effect on adjacent property or the permitted use thereof, in that the on-site sale of a full line of alcoholic beverages and the operation of a full-service restaurant with a bar is appropriate, as long as such sales occur in conjunction with the food menu and food service hours as required by the Claremont Municipal Code. Proposed accessory entertainment uses will be regulated per the conditions described in the resolution below. There are other restaurant uses in the Village, many of which serve an array of alcoholic beverages in conjunction with a bar area and minor entertainment uses, and have done so without incident. The Claremont Police Department has reported no alcohol-related incidents at the property within the last several years. Additionally, the restaurant will serve meals at all times during which full alcoholic beverages are served for consumption at the subject site.
- D. The proposed bar expansion and continued dining and alcohol sales (full line of alcoholic beverages) are consistent with the 'Claremont Village' land use designation placed on the site by the General Plan. The proposed use is consistent with Goal 2-3 of the General Plan, which encourages the accommodation of a range of land uses that meet the needs of the City. In addition, the use is consistent with Policy 3-1.4 of the General Plan, which encourages the City to pursue businesses that add to the City's economic base, particularly those that generate sales tax and property tax increment revenue. The restaurant hosts a number of jobs in the local community, and its ability to provide a unique dining experience in the Claremont Village adds to the diverse mix of commercial uses that currently exist within the Claremont Village (CV) zoning district and helps the City to maintain competitiveness in potentially recruiting additional business to the Claremont Village area.
- E. The proposed use will not endanger or otherwise constitute a menace to the public health, safety, or welfare in that the sale of alcohol is provided as an ancillary use to the primary use as a restaurant establishment, as opposed to a stand-alone bar where the sale of alcohol for on-site consumption may raise compatibility and enforcement concerns.

Once again, the Claremont Police Department has confirmed that the property has not had any recent alcohol-related problems or calls for service. The conditions of approval included as part of this resolution also aim to reduce the

impact and intensity of the requested entertainment events by setting noise limitations and requiring proper notice and event description information to be distributed to the public and the City in a timely manner prior to each and every event. Additionally, conditions of approval give the City of Claremont the authority to revoke the subject Conditional Use Permit if it is discovered that the operators of the proposed use are violating state regulations or any condition(s) of this approval. Moreover, the proposed use is subject to the operating conditions imposed by the California Department of Alcoholic Beverage Control (ABC), which regulates and monitors the manner in which alcoholic beverages are sold.

SECTION 3. The Planning Commission hereby approves Conditional Use Permit (File #99-C09AMD) based on the findings of Section 16.303.040 Claremont Municipal Code outlined in Section B above, and subject to the following conditions:

- A. This approval is for a Conditional Use Permit Amendment (File #99-C09AMD) to amend the floor plan and add entertainment uses at an existing ABC licensed bona-fide eating establishment in an existing restaurant space, Walter's Restaurant, located at 310 Yale Avenue. The project area shall be consistent as to the conditions described in the staff report and depicted on the approved floor plan.
- B. The approval shall be valid for two (2) years from the date of the Planning Commission action. If an Alcoholic Beverage Control (ABC) license is not secured within that time frame or an extension is not granted, then this approval shall automatically expire without further action by the City.
- C. The business hours for alcohol sales shall be limited to:
 - Monday through Wednesday: 9:00 AM - 10:00 PM
 - Thursday through Sunday: 9:00 AM - 12:00 AM
- D. Prior to the issuance of a building permit, the applicant shall comply with the following:
 - Pay any and all outstanding review fees related to the Conditional Use Permit (File #99-C09AMD).
 - Work with City staff to resolve any and all unpermitted work on-site related to the stucco wall added to the east side of the open-air central dining area, parkway landscaping, and any other relevant items. All necessary permits or improvements shall be obtained or resolved within six months of the approval of this CUP.
- E. Prior to commencing the service of a full line of alcoholic beverages on the premises, the applicant shall obtain the appropriate license from the Department of Alcoholic Beverage Control (ABC), comply with the licensing requirements, and provide evidence of said license to the Planning Division. In the event that there

is a conflict between the conditions imposed by the City as part of this CUP approval and those imposed by ABC, the more restrictive provisions shall apply.

- F. At all times that alcohol is served, the applicant and subsequent successors in interest shall offer full menu service in compliance with the State Business and Professions Code for a bona-fide public eating establishment. Failure to do so will be grounds for revocation of this CUP.

All persons selling beer, wine, and distilled spirits shall be 18 years of age or older, and shall be supervised by another person over 21 years of age and duly permitted to sell alcoholic beverages pursuant to ABC regulations. A supervisor shall be present in the same area as point of sale for alcoholic beverages.

- G. Three or more verified sales of beer, wine, or distilled spirits to minors within a one-year time interval, measured from the time of the first such violation, as verified by the Claremont Police Department and/or the California Department Alcoholic Beverage Control, shall be grounds for initiation of proceedings for the revocation of this CUP.

- H. Prior to the commencement of any entertainment events, the applicant shall submit for review and approval by the City the following information and materials:

- A detailed description of all proposed event types, including respective floor plans demonstrating seating arrangements, food service areas, and alcohol service areas for each event type.
- A written notice procedure for informing surrounding property owners and tenants of upcoming events, including timelines and notice methods.
- An annual projection of the anticipated number of events, the type of each event, and the expected attendance for each event for the calendar year.
- Noise control measures to ensure compliance with the City's Noise Ordinance, including the placement of amplified sound equipment, maximum decibel levels, and methods to minimize off-site noise impacts. Specifically, the amplified music shall not exceed a noise level of 75 decibels as measured from the property line and the speakers shall be directed away from the residential uses to the east and placed at heights no taller than the six-foot high wall when located along the east side of the subject property. The speaker placement and specification shall be shown on a plan subject to staff approval. In addition, staff may monitor noise levels at any time to determine reasonable compliance.

- I. The permitted entertainment events shall remain consistent with the operation of the premises as a bona-fide restaurant with a Type 47 alcohol license. At no time 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.

- J. The applicant and successors shall operate the subject premises in a safe and sanitary manner at all times, including compliance with curfew and daytime loitering regulations pursuant to the provision of Section 9.80 of the Claremont Municipal Code (CMC). Continued or repeated violations of any municipal, Health Code, or other violations, as determined by the City of Claremont, Los Angeles County Health Services Department, Department of Alcoholic Beverage Control (ABC), or Los Angeles County Fire Department, may be grounds for the initiation of proceedings for the revocation of this CUP.
- K. The maximum number of patrons and staff allowed in the establishment shall not exceed the maximum occupancy for the site as set by the Building Official.
- L. No signs advertising the sale of beer, wine, distilled spirits, or other products shall be installed on the exterior of the premises or within the interior of the premises directed and intended to be visible toward the exterior of the premises in accordance with the provisions of the Claremont Municipal Code.
- M. No signage is approved in association with this Conditional Use Permit. Any proposed signage must be reviewed by the City separately.
- N. If the use for which this CUP was granted (full line of alcoholic beverage service for on-site consumption and outdoor dining) is discontinued for a period of 12 months or more, such use shall not be re-established, and the matter shall be referred to the Planning Commission to initiate the proceedings for the revocation of this Conditional Use Permit.
- O. All employees of the business are required to park their vehicles in all-day parking spaces on the outskirts of the Village.
- 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 the Claremont Municipal Code and/or the administrative fines program of Chapter 1.14.
- 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 that the City et al may be required to pay as a result of such action. The City may, at its sole discretion, participate at its own expense in the defense of any such action, but such participation shall not relieve the applicant/owner of its obligation hereunder.
- R. 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 September, 2025.

Planning Commission Chair

ATTEST:

Planning Commission Secretary