

RESOLUTION NO. 2025-

A RESOLUTION OF THE CLAREMONT PLANNING COMMISSION APPROVING CONDITIONAL USE PERMIT #12-C02AMD, ALLOWING FOR THE SALE AND SERVICE OF A FULL LINE OF ALCOHOLIC BEVERAGES IN CONJUNCTION WITH A BONA FIDE PUBLIC EATING ESTABLISHMENT (RESTAURANT) AND OUTDOOR PATIO DINING AREA, LOCATED AT 211 WEST FIRST STREET. APPLICANT –LAURA CAYLEY AND ISIDRO GUTIERREZ.

WHEREAS, on January 9, 2025, the applicant submitted an application for an amendment to an existing Conditional Use Permit (File #12-C02AMD) to allow for the sale and service of a full line of alcoholic beverages, in conjunction with a restaurant and outdoor dining area (ABC Type 47 License) located at 211 West First Street; 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 is 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 March 20, 2025; and

WHEREAS, notice of the public hearing was published in the March 21, 2025 edition of the Claremont Courier; and

WHEREAS, the Planning Commission held a public hearing on April 1, 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. The project does not entail any interior or exterior modifications to a building that is listed on the Register of Structures of Historic and Architectural Merit of the City of Claremont, therefore, the exception to the Categorical Exemption pertaining to historic resources (Section 15300.2) does not apply as allowing the full sale and service of a full line of alcoholic beverages will not result in a substantial adverse change in the significance of the historic resource. Therefore, no further environmental review is necessary.

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

- A. The existing 240 square foot historic structure, 166 square foot restroom building, and outdoor seating area are adequate in size and shape to accommodate the operation of the existing restaurant. Parking for the tenant spaces has been satisfied

through the Category II in-lieu fee payment requirement, as adequate parking exists to meet the demand.

- 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.
- 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 is appropriate, as such sales occur in conjunction with the food menu and food service hours as required by the Claremont Municipal Code. There are numerous restaurant uses in the Village, many of which serve an array of alcoholic beverages and have done so without incident. 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 outside dining and alcohol sales (full line of alcoholic beverages) is 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. The applicants have expressed that the ability to offer full beverage service will aid the restaurant in accommodating the requests of customers who are accustomed to having access to full beverage service at similar restaurants serving Mexican food. 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 which generate sales tax and property tax increment revenue. The restaurant hosts around nine jobs in the local community and its ability to provide a unique outdoor 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.

The Claremont Police Department has confirmed that the property has not had any recent alcohol-related problems or calls for service. 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 #12-C02AMD) 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 the sale and service of a full line of alcoholic beverages for on-site consumption in conjunction with a bona fide public eating establishment (restaurant) and outdoor seating area. The project area is located at 211 West First Street as described in the staff report and depicted on the approved site 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:
 - Sunday through Thursday: 8:00 AM - 8:00 PM
 - Friday and Saturday: 8:00 AM - 9:00 PM
- D. Prior to the issuance of a building permit, the applicant shall comply with the following:
 - i. Pay any and all outstanding review fees related to the Conditional Use Permit (File #12-C02AMD).
 - ii. Work with City staff to install and maintain a new tree located in the existing empty tree well located directly in front of the property on West First Street. The City will install a new tree within 90 days of approval of this CUP and the applicant shall be responsible for ongoing hand-watering thereafter.
 - iii. Work with City staff to resolve any and all unpermitted work on-site related to awning attachments to the historic building, landscaping, fencing or gates, outside furniture and structures, equipment, trash, and recycling facilities, signs, 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 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 bonafide public eating establishment. Failure to do so will be grounds for revocation of this CUP.

- G. 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.
- H. 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.
- I. 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 initiation of proceedings for the revocation of this CUP.
- J. 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.
- K. No signs advertising the sale of beer, wine, distilled spirits, or other products shall be installed on the exterior of the premises or within the interior of the premises directed and intended to be visible toward the exterior of the premises in accordance with the provisions of the Claremont Municipal Code.
- L. No signage is approved in association with this Conditional Use Permit. Any proposed signage must be reviewed by the City separately.
- M. If the use for which this CUP was granted for (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.
- N. All employees of the business are required to park their vehicles in all-day parking spaces on the outskirts of the Village.
- O. 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.
- P. 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.

- Q. 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 1st day of April, 2025.

Planning Commission Chair

ATTEST:

Planning Commission Secretary