

**RESOLUTION NO. 2025-**

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF CLAREMONT, CALIFORNIA, DENYING THE APPEAL OF AND AFFIRMING THE ARCHITECTURAL AND PRESERVATION COMMISSION'S APPROVAL OF ARCHITECTURAL AND SITE PLAN REVIEW #25-A03 FOR A 62-FOOT-TALL MONOEUCALYPTUS WIRELESS TELECOMMUNICATIONS FACILITY FOR EUKON GROUP, LLC ON BEHALF OF AT&T LOCATED AT 1700 NORTH TOWNE AVENUE: APPELLANT – JAMES QUINN**

**WHEREAS**, on February 20, 2025, the applicant filed a request for Architectural and Site Plan and Special Use and Development Permit (SUDP) approval for the construction of a new faux eucalyptus tree (monoeucalyptus) that would serve as a concealed wireless telecommunications facility at the subject property, which is owned and used by a church; and

**WHEREAS**, new commercial wireless telecommunications facilities located on private property require the approval of a Special Use and Development Permit pursuant to Claremont Municipal Code (CMC) Section 16.100.040.C as well as Architectural and Site Plan Review approval pursuant to CMC Section 16.100.040.I; and

**WHEREAS**, on May 15, 2025, a notice of public hearing was mailed to surrounding property owners within 300 feet of the project site; and

**WHEREAS**, due to unexpected absences, on May 28, 2025, the Architectural and Preservation Commission could not meet due to a lack of a quorum and, therefore, continued the public hearing to the Commission's next regularly scheduled meeting on June 11, 2025; and

**WHEREAS**, on June 2, 2025, the City mailed courtesy notices of the continued public hearing to surrounding property owners within 300 feet of the project site; and

**WHEREAS**, the Architectural and Preservation Commission held the continued public hearing on June 11, 2025, at which time all persons wishing to testify in connection with said proposal were heard and said proposal was fully studied; and

**WHEREAS**, after closing the public hearing, the Architectural and Preservation Commission voted 3-1 (Commissioners Cervera, Spivack, and Zimmerman were absent) to adopt Resolution No. 2025-05 approving Architectural and Site Plan Review #25-A03; and

**WHEREAS**, on June 23, 2025, the City Clerk received an appeal from James Quinn of the Architectural and Preservation Commission's decision to approve Architectural and Site Plan Review #25-A03; and

**WHEREAS**, under Claremont Municipal Code Section 16.321.020, the City Council may affirm or reverse, wholly or in part, or may modify the decision of the Architectural and Preservation Commission; the City Council may also choose to defer the request for review for further consideration and decision if significant new evidence is presented in conjunction with the appeal; and

**WHEREAS**, on June 26, 2025, notice of the City Council public hearing to consider the appeal was mailed to all persons and properties that received notice of the Architectural and Preservation Commission's public hearing, anyone who spoke at the Architectural and Preservation Commission meeting, and all persons who requested to be notified regarding the matter; and

**WHEREAS**, on July 8, 2025, the City Council held a public hearing regarding the appeal, at which time the appellant, applicant, and all other persons wishing to testify in connection with the appeal were heard and the matter was considered; and

**WHEREAS**, the City Council received and considered all materials and information related to the appeal of the Architectural and Preservation Commission's staff report, public comments (written and oral), resolution, and findings, the City Council's staff report on the appeal and attachments thereto, and any and all written correspondence and testimony received on the appeals.

**NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF CLAREMONT DOES HEREBY RESOLVE:**

**SECTION 1.** The City Council finds that the above recitals are true and correct and are incorporated herein.

**SECTION 2.** The City Council finds that the proposed project is exempt from the provisions of the California Environmental Quality Act (CEQA) pursuant to Section 15303 – Class 3 for new construction or conversion of small structures. The Class 3 exemption applies to “construction and location of limited numbers of new, small facilities or structures; installation of small new equipment and facilities in small structures; and the conversion of existing small structures from one use to another where only minor modifications are made in the exterior of the structure.” This exemption has been applied to many telecommunications facilities, including the installation of 726 telecommunications equipment boxes on city property (*San Francisco Beautiful v. City and County of San Francisco* (2014) 226 Cal.App.4th 1012, 1021-1022); the installation of small new telecommunications equipment on numerous existing small structures in scattered locations (*Robinson v. City and County of San Francisco* (2012) 208 Cal.App.4th 950, 956), and the installation of a new monoeucalyptus wireless tower and 220-square-foot equipment enclosure in a city park (*Don't Cell Our Parks v. City of San Diego* (2018) 21 Cal.App.5th 338, 359).

Here, the project consists of the construction of a new monoeucalyptus wireless tower that is accessory to an existing use at the subject property. All public services and utilities are already available at the project site. Approval of the proposed project would not result in the removal of mature trees located at the project site and would not result in any increase in traffic to and from the site. The project would not result in impacts to biological or archeological resources, given the site's location in an urbanized developed area. The square footage of the proposed project is smaller than the typical square footage of many other structures that Section 15303 identifies as examples of structures that qualify for this exemption, such as a single family residence, a duplex, a multi-family residential structure with up to four units, and commercial buildings (including stores, motels, offices, restaurants, or similar structures) not exceeding 10,000 square feet in floor area on sites zoned for such use if not involving the use of significant amounts of hazardous substances where all necessary public services and facilities are available and the surrounding area is not

environmentally sensitive.

The City Council further finds that none of the exceptions in Section 15300.2 apply to the proposed project. The proposed project will not impact any environmental resources of hazardous or critical concern. There are no environmental resources of hazardous or critical concern designated, precisely mapped, or officially adopted pursuant to law by federal, state, or local agencies on or near the project site. There are no successive projects of the same type in the same place that cumulatively would result in significant impacts. There is no evidence in the record that there is a reasonable possibility that the proposed project will have a significant effect on the environment due to unusual circumstances. Approval of the proposed project will not result in damage to scenic resources within a highway officially designated as a state scenic highway, such as trees, historic buildings, rock outcroppings, or similar resources, within a highway officially designated as a state scenic highway. The proposed project is not located on a hazardous waste site included on any list compiled pursuant to Section 65962.5 of the Government Code. The proposed project will not cause a substantial adverse change in the significance of a historical resource. Therefore, no further environmental review is necessary.

**SECTION 3.** For the reasons set forth herein, and based on the whole of the record, the City Council agrees with the Architectural and Preservation Commission and finds that the review criteria of Section 16.300.060.A of the Claremont Municipal Code (CMC) can be met with regard to the above-described project as follows:

- A. **Conformity with Development Standards** – The wireless telecommunication facility complies with the applicable development standards of the Residential Single Family (RS 10,000) in which it is located and with the applicable development standards listed in CMC Section 16.100.040 – Commercial Antennas and Wireless Telecommunication Facilities.
1. **Setbacks:** The project will meet all setback requirements of the RS 10,000 zoning district and of CMC Section 16.100.040.E in that the new tower would have the following setback distances, as measured from the center of the monoecalyptus to the property line:
    - i. Northern property line: 155'-4"
    - ii. Southern property line: 81'-6"
    - iii. Western property line: 283'-8"
    - iv. Eastern property line: 66'-2"
  2. **Lot Coverage:** The project complies with the lot coverage requirements for the RS 10,000 zoning district.
  3. **Floor Area:** As an unmanned wireless facility, the project does not add floor area to the property.
  4. **Parking:** One parking space for use by a wireless facility technician has been identified in the church's existing parking lot. There is an existing surplus of parking at the site, allowing the applicant to allocate one parking space for use by the facility.
  5. **Building Height:** Pursuant to CMC Section 16.100.040.E.2, the allowable height for a new ground-mounted wireless telecommunication facility may be

determined on a site-by-site basis by the Community Development Director. The monoecalyptus height of 62-feet is determined to be appropriate for the subject site when considering the height of surrounding structures as well as on- and off-site trees. A survey of the subject site and its surroundings shows a number of mature trees on and around the site, a number of which are over 40-feet tall and the tallest of which is approximately 84-feet tall. Finally, the applicant has indicated that the 62-foot tower height is required in order for the facility to effectively enhance cellular service and address existing service coverage gaps in the vicinity of the subject site.

- B. **General Plan Consistency** - The proposed wireless telecommunications facility is consistent with the following goals/policies of the Claremont General Plan:
1. *Protect neighborhoods from impacts from non-residential development (Policy 2-2.4);* in that the project features a well-considered design for the monoecalyptus that effectively conceals the wireless equipment by emulating eucalyptus tree branches and leaves. The design of the tree will result in a structure that is compatible with the rest of the site and will not disrupt the residential feel of the neighborhood.
  2. *Accommodate a range of land uses that meet the economic, environmental, educational, and social needs of the City while remaining sensitive to the community's residential character (Goal 2-3) and Require that new construction, additions, renovations, and infill developments be sensitive to neighborhood context and building forms and scale (Policy 2-11.3);* in that the project accommodates the City's need for improved cellular and data service, while employing a design that is sensitive to the surrounding neighborhood context and will avoid visual blight resulting from the wireless facility.
- C. **Compatibility of Form with Surrounding Development** – The proposed monoecalyptus and ground equipment have been designed to ensure compatibility of form with the surrounding development on the church site, in that its design emulates a mature eucalyptus tree similar in height to existing mature trees on and around the site to avoid visual blight often associated with wireless facilities, and avoiding disruptions to the residential feel of the surrounding neighborhood.
- D. **Compatibility of Quality with Surrounding Development** – The proposed project will employ materials and finishes that are consistent with the architecture on the site, both in terms of appearance, quality, and color.
- E. **Internal Consistency of Design** – All elevations of the proposed facility are architecturally treated in a consistent manner in that all elevations of the facility utilize the same materials, colors, and design features.
- F. **Privacy** – As an unmanned wireless facility, the structure is not anticipated to have any impacts on adjacent residential properties in terms of privacy.
- G. **Internal Circulation** - The facility is located appropriately on the site, in an existing grassy area to the east of the existing church buildings and to the west of the existing parking area on the east side of the site. The siting of the monoecalyptus and ground equipment allows for it to exceed the minimum required distance of 100-feet from adjacent residential structures and also allows for it to be partially screened by existing vegetation and structures when viewed from many viewpoints around the subject site.

Further, the location of the tower will not interfere with the regular use of the church property nor will it interfere with existing trees on the site.

- H. **Sustainability** – The project will be required to meet all applicable sustainability codes and guidelines adopted by the City and the State’s new green building code.
- I. **Tree Preservation** – The project does not entail the removal of any trees on the property.
- J. **Light and Air** – While tall, the proposed monoecalyptus is approximately the same dimensions as the existing mature trees on-site and trees around the site. As such, it is not anticipated that the tower will impinge on neighbor’s existing access to light or use of prevailing winds for natural ventilation.
- K. **Environmental Protections** - The proposed development has been reviewed pursuant to the requirements of the California Environmental Quality Act (CEQA) and meets the environmental standards of the Claremont Municipal Code Chapter 16.154. The proposed project is categorically exempt from the provisions of the California Environmental Quality Act (CEQA) pursuant to Section 15303(e) – Class 3 for new construction of small structures, in that the project consists of the construction of a new structure that is accessory to the existing church use at the property, which is one where all public services and utilities are available. The proposed project will not result in a change of use at the property, will not result in removal of mature trees on the property, and will not result in an increase in traffic to and from the site. Further, it can be concluded that the project will not result in impacts to biological or archeological resources, given the site’s location in an urbanized developed area.
- L. **Health and Safety** - Due to the approved design of the faux eucalyptus, which ensures consistency with the other structures on the property, the tower will not have a visual appearance that is detrimental to the public interest, health, safety, convenience, or welfare. Rather, once constructed, the tower will have the appearance of a structure that has long existed at the subject site and will not disrupt the quiet residential feel of the surrounding neighborhood.

**SECTION 4.** For the reasons set forth herein, and based on the whole of the record, the City Council agrees with the Architectural and Preservation Commission and further finds that the review criteria of Section 16.100.040.D of the Claremont Municipal Code (CMC) for wireless telecommunication facilities can be met in regard to the above-described project as follows:

- A. The subject site, having a total size of 83,838-SF square feet, or approximately 1.9 acres, allows for adequate space on the site to locate the wireless telecommunications facility without conflicting with existing buildings, or reducing required parking, or landscaping. The concealed wireless facility will be located in an existing grassy area to the east of the existing church building and to the west of an existing parking lot. The location of the tower was chosen so as to avoid impacts to any existing trees on the site and to maintain and exceed the minimum required 100-foot clearance from any residential structures. Finally, there exists a surplus of parking at the large property, allowing for one parking space to be allocated for infrequent use by a Verizon Wireless technician who may need to perform regular maintenance on the facility.

- B. As an unmanned wireless facility designed to have the appearance of a eucalyptus tree, the structure will not adversely impact the use of the church property and its buildings, nor will it adversely impact the surrounding neighborhood. Given that it has been designed to appear as a mature eucalyptus tree, the structure will be architecturally compatible with the rest of the property. Further, its location in an existing grass area will not result in adverse impacts or disruptions to the operation of the church. With respects to the surrounding neighborhood, the design of the structure and its location will ensure that the structure, which is visible from adjacent properties, will not have adverse impacts, given that the tower's antennas will be concealed by faux eucalyptus branches and leaves while also being painted green and sleeved with antenna socks intended to replicate eucalyptus leaves.
- C. The proposal for the monoeucalyptus tree has been reviewed by Planning Division staff to ensure compliance with the requirements of CMC Sections 16.100.040.E-K. The approved plans depict compliance with these requirements.

**SECTION 5.** For the reasons set forth herein, and based on the whole of the record, the City Council hereby denies the appeal of the Architectural and Preservation Commissions' June 11, 2025 approval of Site Plan and Design Review File #25-A03 for a 62-foot-tall monoeucalyptus wireless telecommunications facility at 1700 North Towne Avenue and approves Architectural and Site Plan Review #25-A03, subject to the following conditions of approval:

- A. This approval is for a new monoeucalyptus and ground-mounted equipment that will serve as a concealed wireless telecommunications facility, equipment enclosure, and trenching, as depicted on the approved plans. The following equipment has been approved to be located within the tower structure: twenty (20), eight-foot-tall panel antennas, twelve (12) RRU's, and four (4) DC9 surge suppressors. The structure is approved to have a maximum height of 63-feet, with two GPS antennas projecting an additional foot above the tallest point of the structure. The approved setback distances, as measured from the center of the monoeucalyptus, are as follows:
  - Northern property line – 155'-4"
  - Southern property line – 81'-6"
  - Western property line – 283'-8"
  - Eastern property line – 66'-2"
- B. The applicant shall submit, within five days of this approval, a check for \$75 to file a Notice of Exemption (NOE) with the Los Angeles County Clerk, as required by the California Environmental Quality Act (CEQA). The check shall be made payable to the **Los Angeles County Clerk**.
- C. The applicant shall construct the structure and install the approved antennas per plan, and they shall become operational within two years from the date of the approval letter. If building permits are not issued within this time period or a time extension granted, this approval shall automatically expire without further City action.

- D. Other than the approved improvements, no conduit, wires, cables, and/or other similar means of connecting the panels to the BTS and/or other electronic equipment cabinets shall be placed on the subject site without prior review and approval by the Planning and Building Divisions.
- E. Additional details, including color and material samples of the tower exterior shall be provided to Planning Division staff when building plans for the tower are submitted for plan check in order to ensure that the tower's colors and exterior finish appropriately match existing buildings on the site.
- F. A copy of the applicant's lease with the property owner shall be submitted to the City prior to issuance of a building permit for the facility. If the lease is extended or terminated, notice and evidence thereof shall be provided to the Community Development Director. Upon termination or expiration of the lease, the use permit for the facility shall become null and void and the facility shall be removed within 90 days.
- G. No advertising, signs, or lighting shall be incorporated or attached to the antennas or equipment building, except as required by the City's Building Division or Federal regulations.
- H. The applicant shall submit to the City certification of continued use of the approved facility on an annual basis at the time of business license renewal for as long as the facility remains in operation. The certification shall indicate that the facility is operating as approved and that the facility complies with the most current Federal Communications Commission (FCC) safety standards. Facilities that are no longer in operation shall be removed within 90 days after the date of discontinuation of use. If no annual certification is provided, the Special Use & Development Permit for the facility may be revoked by the Community Development Director. Prior to revoking a permit, the Director shall provide the owners with a record of written notice of their failure to provide the annual certification and an opportunity for a hearing.
- I. Notice of any change in ownership of the facility shall be provided in writing to the City.
- J. Within 90 days of commencement of operations, the applicant shall provide a preliminary report and field report prepared by a qualified engineer that shows the operation of the facility is in conformance with the standards established by the American National Standards Institute (ANSI) and Institute of Electrical and Electronics Engineers (IEEE) for safe human exposure to electromagnetic fields (EMF) and radiofrequency radiation (RFR).
- K. When submitting plans for plan check, the applicant shall provide a report signed by a licensed professional engineer specializing in structural engineering containing documentation that the structure is consistent with all applicable building codes, and a description of the support structure's capacity, including the number of antenna array it can accommodate and the precise point at which the antenna array shall be mounted.

- L. Any future modifications to the facility, such as the addition of panel, whip, dish, omnidirectional, GPS, or test antennas, shall be subject to review and approval by the City.
- M. Prior to the issuance of building permits, the applicant shall:
  - 1. Ascertain and comply with all requirements of the City's Building and Engineering Divisions, including the submittal of complete architectural, electrical, mechanical, and structural plans duly wet stamped and signed by a licensed architect or engineer. The construction documents submitted for plan check shall be in substantial conformance with those approved by Planning Division staff.
  - 2. If applicable, obtain an off-site improvement permit from the Engineering Division. Pay all applicable plan check and permit fees. Submit a refundable deposit to cover 100% of the estimated cost items.
  - 3. Pay all *applicable* permit and development fees including, but not limited to, fire facility, plan check fees, and outstanding development review fees, as established by City ordinances and resolutions.
  - 4. Provide authorization to construct improvements in existing public easement areas shown on the submitted survey documents.
  - e. Pay any/all outstanding review fees related to the approval of these files (File #25-A03 & File #25-SUDP02).
- N. If, as a result of the improvements, existing landscaping is damaged, the applicant is required to replace it with in kind replacement landscaping.
- O. During construction operations, the applicant shall:
  - 1. Implement best available control measures (BACMs) to minimize nuisance levels of construction activity emissions such as dust, emissions, and off-site impacts. BACMs shall include but are not limited to the following:
    - a. Water all active construction areas at least twice daily.
    - b. Cover all haul trucks or maintain at least two feet of freeboard.
    - c. Pave or apply water four times daily to all unpaved parking or staging areas.
    - d. Sweep or wash any site access points within 30 minutes of any visible dirt deposition on any public roadway.
    - e. Cover or water twice daily any on-site stockpiles of debris, dirt, or dusty material.
    - f. Suspend all operations on any unpaved surface if winds exceed 25 mph.
    - g. Hydro-seed or otherwise stabilize any cleared area which is to remain inactive for more than 96 hours after clearing is completed.
    - h. Require 90-day low-NOx tune-ups for off-road equipment.



- i. Limit allowable idling to five minutes for trucks and heavy equipment.
  - j. Encourage carpooling for construction workers.
  - k. Limit lane closures to off-peak travel periods.
  - l. Park construction vehicles off traveled roadways.
  - m. Wet down or cover dirt hauled off-site.
  - n. Wash or sweep access points daily.
  - o. Encourage receipt of material during non-peak traffic hours.
  - p. Sandbag construction sites for erosion control.
- P. Ensure the following measures are honored during all construction-related activities for the project:
  - 1. The hours of construction operation are limited to the hours of 7:00 AM through 8:00 PM, Monday to Saturday. No construction activity is allowed on Sundays and Federal holidays.
  - 2. All construction equipment shall use properly operating mufflers.
- Q. If, as a result of the operation of the subject facility, existing or future residential properties near the site experience any interference difficulties with electronic equipment (such as radios, televisions, telephones, or home computers), the applicant shall be solely and fully responsible for correcting any and all problems pursuant to FCC requirements.
- R. All graffiti and other forms of vandalism on the structure shall be promptly removed and/or repaired within 24 hours.
- S. Noncompliance with any condition of this 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 of the Municipal Code.
- T. To ensure compliance with the conditions of this Special Use and Development Permit, a final inspection is required from the Planning Division upon completion of construction and all improvements. The applicant shall contact the Planning Division to schedule an appointment for such an inspection.
- U. 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.

**SECTION 6.** The Mayor shall sign this Resolution and the City Clerk shall attest and certify to the passage and adoption thereof.

**PASSED, APPROVED, AND ADOPTED** this 8<sup>th</sup> day of July, 2025.

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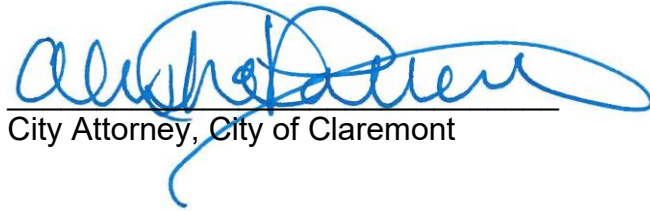
Mayor, City of Claremont

ATTEST:

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City Clerk, City of Claremont

APPROVED AS TO FORM:



A handwritten signature in blue ink, appearing to read 'A. H. Hatten', is written over a horizontal line.

City Attorney, City of Claremont