

RESOLUTION NO. 2026-**A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF CLAREMONT, CALIFORNIA, APPROVING TENTATIVE PARCEL MAP 83516 TO SUBDIVIDE ONE EXISTING PARCEL (APN: 8316-019-010) INTO THREE PARCELS LOCATED AT 701 SOUTH INDIAN HILL BOULEVARD. APPLICANT –SUSHIL CAPITAL LLC**

WHEREAS, Sushil Capital, the applicant, wishes to subdivide an existing parcel into three parcels; one parcel for an existing restaurant, one for a newly constructed 120-room hotel, and a third for underutilized land to be reserved for future development, and

WHEREAS, a tentative parcel map is required for a subdivision creating four or fewer parcels; and

WHEREAS, on September 14, 2021, the applicant submitted an application requesting approval of Tentative Parcel Map 83516 to subdivide the existing parcel into three parcels; and

WHEREAS, the subject parcel is located in the property's General Plan designation of Commercial with Specific Plan Overlay and zoning designation of Specific Plan Area 12 (Southwest San Jose Specific Plan), and all applicable standards of the City's General Plan and Municipal Code; and

WHEREAS, the subject request is consistent with the previously approved Southwest San Jose Specific Plan in that the minimum lot dimensions are exceeded, access and circulation patterns remain intact, and no new uses or development are proposed as part of this parcel map; and

WHEREAS, The request to subdivide the existing parcel is categorically exempt from the provisions of the California Environmental Quality Act (CEQA) pursuant to Section 15315 (Class 15) for minor land divisions, in that the project entails the division of land into four or fewer parcels, and is in conformance with the general plan and zoning, requiring no variance or exceptions, all services and access to the proposed parcels to local standards are available, and the parcels were not involved in a division of a larger parcel within the previous two years and does not contain an average slope greater than twenty percent. Therefore, no further environmental review is required.

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

NOW, THEREFORE, THE PLANNING COMMISSION DOES HEREBY RESOLVE:

SECTION 1. The Planning Commission makes the following findings for approval of TPM 83516, in accordance with Title 17, Chapter 17.050, Section 17.050.070 of the Claremont Municipal Code:

- A. *The proposed map or the design or improvement of the subdivision is consistent with the General Plan or any applicable specific plan, and with other applicable provisions of this Code.*

The proposed parcel map is consistent with the General Plan, as the property is located in the Commercial with Specific Plan Overlay General Plan Land Use designation and the Specific Plan 12 (Southwest San Jose Specific Plan) zoning district which do not prohibit nor discourage the subdivision of parcels. The purpose of the subdivision map proposal is to allow for financing for future commercial development project on Parcel 2. The recently constructed Residence Inn by Marriott was built on the proposed Parcel 1 using a compact floor plan and ground-level parking structure. The design reserved nearly 1 acre of unused land that can be more easily developed if it is on a separate lot from the other two uses.

The proposed subdivision map is consistent with the Southwest San Jose Specific Plan (SWSJSP), which was approved for this site in 2016, in that all proposed lots meet the minimum lot dimensions and access and circulation patterns in the SWSJSP. In addition, any new development will be required to consist of uses that are permitted or conditionally permitted in the SWSJSP, and will be required to meet the development standards and design guidelines of the SWSJSP.

- B. *The site is physically suitable for the type and density of development.*

The site is physically suitable for the request to subdivide the existing parcel into three parcels. Each proposed parcel meets the minimum lot dimensions, access requirements, and circulation patterns required by the SWSJSP. On its own, the simple act of dividing one large commercial lot into three lots will not result in new development or any physical impact on the environment or the surrounding area beyond. No new development is proposed under Tentative Parcel Map 83516, and future development on any of the new lots will be required to comply with the requirements of the SWSJSP and CEQA.

- C. *The design of the subdivision or the proposed improvements are not likely to cause substantial environmental damage nor substantially and avoidably injure fish or wildlife or their habitat. However, notwithstanding the foregoing, the decision-making body may nevertheless approve such a subdivision if a tentative map was prepared for the project and a finding was made that specific economic, social, or other consideration make infeasible the mitigation measures or project alternatives identified in the environmental impact report.*

The design of the subdivision will not cause substantial environmental damage or substantially and avoidably injure fish or wildlife or their habitat, as the proposal does not include any developments and will not result in

any physical changes to the project site. The entire area of the subdivision has already been fully developed with commercial uses, and no habitat exists on the site. Any new development or redevelopment will be subject to the requirements of CEQA, the Mitigation Measures contained in the MND for the SWSJSP, the development standards and design guidelines of the SWSJSP, as well as stringent new State requirements regarding stormwater capture, air quality, noise, aesthetics, energy efficiency and sustainable design.

- D. That the design of the subdivision or the type of improvements is not likely to cause serious public health or safety problems.*

The proposed parcel map is not likely to cause serious public health or safety problems, as the approval of this subdivision does not include any new developments or physical changes to the project site. Any future proposals for improvements or developments will be subject to the various reviews described above to ensure that public health and safety is preserved.

- E. That the design of the subdivision or the type of improvements will not conflict with easements, acquired by the public at large, for access through or use of, property within the proposed subdivision. In this connection, the decision-making body may approve a map if it finds that alternate easements, for access or for use, will be provided and that these easements will be substantially equivalent to ones previously acquired by the public. This subsection shall apply only to easements of record or to easements established by judgment of a court of competent jurisdiction and no authority is hereby granted to the City Council to determine that the public at large has acquired easements for access through or use of property within the proposed subdivision.*

The project meets all applicable standards, retains all easements for access and circulation called for in the SWSJSP, and does not include approval of any new development or significant physical changes to the site. Any future improvement plans will be subject to all applicable requirements described above. The proposed map will retain the following existing easements:

- i. Rights of access to and from the public road or street, highway, or freeway adjacent to the property, recorded April 22, 1953, as Instrument No. 7683-V of Torrens.
- ii. Easement for poles and conduits to general telephone company of California, recorded March 18, 1963, as Instrument No 3755 in Book D1957 Page 229, of official records.

- iii. Easement for sanitary sewer to the City of Claremont, recorded November 19, 1963, as Instrument No. 3814 in Book D2261 Page 249, of official records.
- iv. Easement for sanitary sewer to the City of Claremont, recorded February 3, 1964, as Instrument No. 4382 in Book D2346 Page 17, of official records.
- v. Easement for Public Road and Highway to the City of Claremont, recorded October 5, 1966, as Instrument No. 1883, of official records.
- vi. Easement for public road and highway to the City of Claremont, recorded October 5, 19656, as Instrument No 1884, of official records.
- vii. Easement for underground conduits to Southern California Edison Company, as recorded July 9, 1968, as Instrument No. 3036, of official records.
- viii. Easement for public road and highway to the City of Claremont, recorded December 20, 1968, as Instrument No. 2509, of official records.
- ix. Easement for public utilities to Southern California Edison Company, recorded April 2, 1969, as Instrument No. 3661, of official records.
- x. Easement for footing and temporary construction to State of California, recorded June 29, 2000, as Instrument No. 00-1003373, of official records.
- xi. Easement for footing to State of California, recorded June 29, 2000, as Instrument No. 00-1003374, of official records.

The proposed map includes the following additional proposed easements.

- i. A four-foot-wide sidewalk easement dedication to the City of Claremont on Parcel 1 to accommodate an accessible sidewalk across the western entry driveway.

- ii. A four-foot-wide sidewalk easement dedication to the City of Claremont across Parcel 1 and Parcel 2 to accommodate an accessible sidewalk across the main entry driveway along San Jose Avenue.
- iii. A ten-foot-wide easement dedication to the City of Claremont on Parcel 3 for additional sidewalk at the intersection of Indian Hill Boulevard and San Jose Avenue.
- iv. An additional ten-foot-wide easement for sidewalk and landscaping purposes along the Indian Hill Boulevard frontage of Parcel 3.
- v. A thirteen-foot-wide reciprocal ingress and egress access, private driveway, and fire lane easement on the adjoining lot line of Parcel 2 and Parcel 3.
- vi. A twenty-eight-foot-wide reciprocal ingress and egress access, private driveway, and fire lane easement on Parcel 2 for the benefit of Parcel 3.
- vii. A twenty-eight-foot-wide reciprocal ingress and egress access, private driveway, and fire lane easement along the adjoining lot line of Parcel 1 and Parcel 2.

F. That solar access and passive heating and cooling design requirements have been satisfied in accordance with Chapter 17.013.

No physical changes or developments are being proposed as part of this project. Any future developments will be required to be in accordance with Chapter 17.013 for all solar access and passive heating and cooling design requirements.

G. That the subdivision balances the housing needs of the region against the public service needs of the City's residents and available fiscal and environmental resources.

The proposed parcel map entails the subdivision of an existing commercial parcel into three commercial parcels without any planned developments or physical changes to the parcel. Currently, there is a three-story hotel (Residence Inn) on Parcel 1 that is near completion. The owner intends to develop a second hotel on Parcel 2 but has not yet made official submittals to the City. Furthermore, the owner proposes no changes to the existing restaurant on Parcel 3.

Any future developments will be evaluated to follow the requirements of both the General Plan, the Claremont Municipal Code, and the Southwest

San Jose Specific Plan to ensure a balance between housing needs of the region and the public service needs of the City's residents.

- H. *That the discharge of waste from the proposed subdivision into the existing sewer system will not result in a violation of existing requirements of the Los Angeles Regional Water Quality Control Board.*

The existing restaurant located on Parcel 3 and the new Residence Inn on Parcel 1 are already connected to the existing sewer system. The subdivision will not result in physical changes to the property and will therefore not result in a violation of existing requirements of the Los Angeles Regional Water Control Board. Any future development of Parcel 2 will be required to meet these requirements.

SECTION 2. As the required findings for approval have been made in accordance with Title 17, Chapter 50, Section 17.050.070 of the Claremont Municipal Code, the Claremont Planning Commission hereby approves Tentative Parcel Map 83516 subject to the following conditions:

- A. The applicant/developer shall obtain approval for an amendment to the Southwest San Jose Specific Plan for any future developments on Parcels 1, 2, and 3 that are deemed to be inconsistent with the Specific Plan. All environmental impacts anticipated as a result of any future development shall be evaluated as part of the amendment to the San Jose Specific Plan in accordance to the California Environmental Quality Act.
- B. Tentative Parcel Map 83516 shall expire three (3) years from the date of this Planning Commission resolution unless extended under Government Code Section 66452.6. The final Parcel Map shall be filed with the City Engineer and shall comply with the Subdivision Map Act of the State of California and all applicable ordinances, requirements, and resolutions of the City of Claremont.
- C. At least sixty (60) days before filing the original signed final map pursuant to Government Code §66452.2, the following documents shall be submitted, and the following conditions shall be met to the satisfaction of the City Engineer:
- i. A final map for review and approval by the City Engineer and Acting Land Surveyor. The final map shall be in conformance with the approved tentative map, the State of California's Subdivision Map Act, and all applicable City Ordinances and Resolutions.
 - ii. Include one original, signed map that includes offers for dedication of all necessary easements when required for roadway purposes, public sidewalks, drainage facilities, sanitary sewer, landscaping, utilities, ingress and egress, etc. The map shall show additional dedications for

street right-of-way, and any existing and new easements, landscape, pedestrian access, sewer lines, storm drain lines or overland flow as applicable.

- iii. Comply with the requirements outlined in the Planning Commission Resolution approving the Tentative Parcel Map.
- iv. Title report and backup documents shall include, but are not limited to, all previous deeds, easements, maps and records of survey associated with the final map.
- v. Closure calculations for the final map.
- vi. Letters of non-interference from any utility company that may have rights of easement within the property boundaries, as well as a description of the types and locations of all underground utilities.
- vii. "Will-serve" letters from utilities including gas, water, electric, cable, TV, and telephone. Further, the developer shall contact the individual utility companies to coordinate the installation of said utilities.
- viii. Final Map tax clearance from the Los Angeles County Land Development Office pursuant to Government Code Section §66492.
- ix. Annex or verification that the property has been annexed into the Los Angeles County Sanitation District Number 21, if applicable.
- x. Obtain approval and satisfy the requirements from the Los Angeles County Fire Department (LACFD) for the proposed map, if applicable.
- xi. Applicant must hire a licensed land surveyor to identify and field mark surveying monuments located on the property. The licensed land surveyor shall prepare a certification letter addressing monument preservation within the boundaries of the Project. All work related to these monuments to be in accordance with the California Business and Professions Code Section 8771 (b) & (c). The monument preservation certification addressing boundaries of the Project shall be provided to the Engineering Division prior
- xii. Pay all outstanding review fees related to the Project. Payment shall be collected prior to filing the Final Map with the City Engineer.

Special Conditions:

- i. The existing eastern drive approach and driveway shall be removed as shown on the Tentative Parcel Map (TPM).
- ii. Provide a 10-foot-wide easement for sidewalk, accessibility and landscape purposes along Indian Hill Boulevard to include the Southwest corner of San Jose Avenue and Indian Hill Boulevard.
- iii. Provide a 4-foot-wide easement dedication for sidewalk purposes at drive approach locations along San Jose Avenue to accommodate accessibility.
- iv. Provide street improvements to the centerline of San Jose Avenue and Indian Hill Boulevard fronting the map limits.
- v. Provide pedestrian improvements fronting the map limits that provide safe and accessible sidewalks along San Jose Avenue and Indian Hill Boulevard. Sidewalk improvements shall conform to the Americans with Disability Act and City Standards.
- vi. The City will be preparing construction documents for the construction of improvements at the intersection of San Jose Avenue and Indian Hill Boulevard. Applicant shall provide payment for their fair share contribution for improvements fronting the map limits.

Deferred Conditions: All applicable development conditions of approval and City and state requirements for the competition of site improvements shall be deferred until the development of the parcel being subdivided is identified. The following standard conditions are expected to be fulfilled prior to development. Once an application for the development is submitted, additional conditions may be identified and applied.

- i. Prior to issuance of grading/on-site improvement or building permits, the applicant shall:
 1. Submit stamped and signed Civil Plans, prepared by a licensed Civil Engineer, that include the following plans: Title Sheet, Erosion Control, Demolition, Grading, Paving, Utilities, Drainage, Low Impact Development and Details. The plans shall include, but are not limited to the following where applicable:
 - a. All proposed improvements, including but not limited to, flat work, new structure, accessory structures, doors, walls, landscaping, etc.

- b. Proposed grading topography.
- c. All existing and proposed easements.
- d. Summary of earthwork volumes.
- e. All property lines.
- f. Offers of dedication (if applicable) of all necessary easements when required for roadways, sidewalks, streetlights, drainage facilities, sanitary sewer, storm drain, landscaping utilities, ingress and egress, etc. All dedications shall be recorded as directed by the City Engineer at the applicant's expense.
- g. Building pads and finished floor elevations. Grading and drainage shall comply with the latest California Building Code, California Residential Code, and California Green Building Standards.
- h. All existing utilities found on the property including but not limited to; underground utilities, drains, utility boxes and power poles. If relocation of any utility is required, the applicant shall make coordinate with utility purveyor. All utilities shall be placed underground in accordance with Chapter 16.151 of the Claremont Municipal Code.
- i. Proposed sewer connection. Show installation of backflow prevention device if upstream manhole is not lower than finished floors of all buildings. If existing sewer lateral is proposed to be used, the applicant shall have a video inspection performed and provide a copy of the video which demonstrates that the lateral is in good condition. Existing City main sewer manholes shall be replaced in accordance with City Standards.
- j. A sewer system designed by a registered civil engineer. Studies involving the sewer capacity shall be required as determined appropriate by the City Engineer. The applicant shall conduct sewer flow metering at specific locations as directed by the City Engineer. The applicant is required to cover all of the costs associated with the capacity studies and metering.

- k. A water system designed to the satisfaction of Golden State Water Company (GSW), the City Engineer, and the Los Angeles County Fire Department (LACOFD). The plans shall meet GSW and LACOFD requirements and the California Public Utilities Commission (CPUC) rules and regulations.
 - l. Applicable Best Management Practices (BMPs) for construction of site improvements; demonstrating compliance with applicable NPDES permit requirements and other protective measures to be installed prior to grading activities. Said protective measures shall be in place during construction activities associated with the project.
 - m. Proposed Municipal Separate Storm Sewer System (MS4) devices (drywell, bioretention planter, etc.) in conformance with MS4 permit requirements.
 - n. Location of all existing City and private trees, and all proposed trees. Existing City trees shall be protected in place in accordance with tree protective mitigation measures.
2. Prepare a geotechnical report, which addresses the geology, stability of the site, and grading requirements. Following rough-grade completion, compaction tests shall be conducted within the pad areas and compaction test reports shall be submitted to the City.
 3. Provide infiltration testing if infiltration based BMP is proposed.
 4. Submit a Storm Water Pollution Prevention Plan (SWPPP) and Low Impact Development (LID) document prepared by a registered civil engineer, in compliance with the City's MS4 ordinance and NPDES permit requirements, subject to review and approval by the City Engineer. The SWPPP will be required prior to the issuance of grading and/ or public works permits if a demolition permit is issued first. Demonstrate compliance with the NPDES permit requirements including on- site retention of the storm water quality design volume from: (a) the 0.75 -inch, 24- hour storm event; and (b) the 85th percentile, 24- hour rain event; as determined by the Los Angeles County isohyetal map, whichever is greater, subject to review and approval by the City Engineer.
 5. File a Notice of Intent (NOI) with Regional Water Quality Control Board. The NOI will be required prior to permit issuance.

6. Provide a 25-year hydrology study for the proposed project site prepared in conformance with the standards and requirements of the Los Angeles County Flood Control District. The study shall address how potential grading, in conjunction with the drainage conveyance systems, will allow the building pad and adjacent properties to be safe from inundation from rainfall runoff and will protect downstream properties from drainage caused by the alteration of drainage patterns. All drainage structures shall be per City of Claremont or Los Angeles County standards.
7. Be in compliance with City's Stormwater Ordinance (MS4 Permit), as well as all other state, county, and city water, wastewater, and hydrological requirements. This includes, but is not limited to:
 - a. Conserve natural area.
 - b. Provide storm drain system stenciling and signage.
 - c. Divert roof and surface runoff to vegetated areas before discharge unless the diversion would result in slope instability.
 - d. No untreated site drainage discharge through underground pipes or any other conveyance to the City's MS4.
 - e. Maximize the percentage of pervious surfaces to allow percolation of storm water into the ground.
 - f. Minimize the quantity of storm water directed to impervious surfaces and the City's Municipal Separate Storm Sewer System (MS4).
 - g. Control runoff from impervious surfaces through infiltration, bioretention, and/or rainfall harvest and use.
 - h. Protect downstream properties from damages caused by alteration of the drainage patterns, i.e., concentration or diversion of flow.
8. Provide a copy of the LACOFD approved Fire Access plan.
9. Submit street improvement plans designed by a registered Civil Engineer for public right-of-way. Applicable City standards and latest edition of the Standard Specifications for Public Works Construction (Greenbook) for the public right of way shall be noted on plans. The street improvement plans shall include, but are not limited to the following:

- a. Driveway approaches (as required for ADA/Title 24 purposes);
 - b. Location or relocation of street tree(s) - (Contact Community Services Department at 909-399-5431);
 - c. ADA-compliant sidewalks;
 - d. Parkway landscaping and irrigation;
 - e. Undergrounding of utilities;
 - f. Sewer location;
 - g. Storm drain overflow location;
 - h. Approximate location for streetlight(s); and
 - i. All necessary traffic control signs and striping, and street reconstruction, as required by City Engineer.
10. Provide a detailed construction management plan that includes, but is not limited to, construction fencing, contractor parking, construction truck routing, materials staging, and street, sidewalk, and bike route closures for the construction of the Project. The construction management plan must be submitted and approved by the City Engineer.
11. Provide a construction schedule. The schedule shall include, at a minimum, the estimated start and finish dates for the following construction milestones: demolition, rough grading, precise grading, foundation work, framing, exterior and interior finished, landscaping and desired certificate of occupancy. The project shall be diligently commenced and completed in accordance with the timeline/milestones accepted and approved by the Community Development Director. If any milestones are not met, the project may be subject to enforcement action by the City, including modification, suspension or revocation pursuant to applicable City Codes and State laws.
12. Letters of non-interference from any utility company that may have rights of easement within the property boundaries, as well as a description of the types and locations of all underground utilities.
13. Hire a licensed land surveyor to identify and field mark surveying monuments located on the property. The licensed land surveyor shall prepare a certification letter addressing monument preservation within the boundaries of the Project. All work related to these monuments to be in accordance with the California Business and Professions Code Section 8771 (b) & (c).

14. Pay all applicable fees established by City ordinances and Claremont Municipal Code including, but not limited to, those set forth in the Citywide User Fee Schedule. These shall include, but not be limited to:

- a. Transportation Impact;
- b. Drainage;
- c. Sewer Connection;
- d. Street Resurfacing;
- e. Public Works Permit and Plan Check Fees;
- f. Grading/on-site Permit and Plan Check Fees;
- g. Consultant Review Fees and Cash Deposits/Surety/Bonds.

ii. During grading and construction operations, the applicant shall:

1. Submit a compaction test for grading pad(s).
2. 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 5 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.
3. Ensure that the following measures are honored:
- a. The hours of construction operation are limited to 7:00 a.m. to 8:00 p.m., Monday-Saturday, as in effect in the Municipal Code. No construction activities are allowed on Sundays and Federal holidays.
 - b. Employ adequate dust control measures in accordance with the Uniform Building Code, SCAQMD, and City requirements to minimize fugitive dust.
 - c. Staging areas shall be located away from any existing residences as determined by the Building Official.
 - d. All construction equipment shall use properly operating mufflers.
 - e. Noise sources associated with construction activities shall not exceed the noise levels as set forth in Section 16.154.020 of the Claremont Municipal Code.
- iii. Prior to the release of any grading and on-site improvements and public works bonds, the improvements authorized by either the grading permit and/or public works permit(s) shall be completed to the satisfaction of the City Engineer.
- iv. 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 administrative fines program of Chapter 1.14 of the Claremont Municipal Code.
- v. 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.

- vi. 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 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 3. 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 April, 2026.

Planning Commission Chair

ATTEST:

Planning Commission Secretary