

RESOLUTION NO. 2024-

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF CLAREMONT, CALIFORNIA, APPROVING THE LA PUERTA SCHOOL SITE SPECIFIC PLAN (FILE #24-SP01), ASSOCIATED TENTATIVE TRACT MAP (NO. 83121) FOR A 55 SINGLE-FAMILY DETACHED HOME DEVELOPMENT, ADOPTING THE MITIGATION MONITORING AND REPORTING PLAN AND FINDINGS OF FACT AND CERTIFYING THE ENVIRONMENTAL IMPACT REPORT (SCH #2022020137) FOR THE PROJECT, AND APPROVING A REQUEST TO PAY A DISCRETIONARY FEE IN-LIEU OF PROVIDING THE REQUIRED NUMBER OF INCLUSIONARY UNITS WITHIN THE PROJECT LOCATED AT 2475 FORBES AVENUE, APPLICANT – TRUMARK HOMES

WHEREAS, in June 2019, the Governing Board of the Claremont Unified School District (CUSD) unanimously approved an agreement to sell the approximately 9.7 acre site of the former La Puerta Intermediate School located at 2475 Forbes Avenue (the “Property”) to Trumark Homes (the applicant) to be developed as a residential housing development; and

WHEREAS, prior to July of 2023, residential development of the Property required a General Plan Amendment and Zone Change because the Property’s General Plan land use designation and zoning were both “Public,” which did not allow for residential development; and

WHEREAS, on July 6, 2020, the applicant submitted an initial application for a housing development project to the City requesting approval of a General Plan Amendment, Zone Change, Specific Plan (i.e., the La Puerta School Site Specific Plan) (#24-SP01), and Tentative Tract Map No. 83121 (#20-TTM01) to allow 65 detached homes with nine (9) affordable Accessory Dwelling Units (ADUs) on approximately 9.58-acres (“July 2020 Submittal”); and

WHEREAS, the July 2020 Submittal would have extended beyond the Property into a portion of the adjacent La Puerta Sports Park that is leased to the City by CUSD; and

WHEREAS, the applicant held a community meeting on Thursday, August 6, 2020, to present its July 2020 Submittal to the neighborhood; and

WHEREAS, on September 1, 2020, City staff provided the applicant with comments on the July 2020 Submittal that, among other things, recommended the applicant limit development to the Property and eliminate development in the adjacent La Puerta Sports Park; and

WHEREAS, on March 4, 2021, the applicant submitted a revised application to the City that changed some aspects of the project but, like the July 2020 Submittal, would have extended beyond the Property into the adjacent La Puerta Sports Park (“March 2021 Submittal”); and

WHEREAS, on April 6 and 20, 2021, the City's Planning Commission held preliminary review meetings on the March 2021 Submittal and received public comment and provided initial feedback; and

WHEREAS, based on the community feedback received at the Planning Commission preliminary review meetings, on September 20, 2021 the applicant revised the project to reduce the number of homes to 56 single-family units and remove parts of the project that would have extended beyond the Property into the adjacent La Puerta Sports Park (the "September 2021 Submittal"); and

WHEREAS, the City hired an environmental consulting firm (Placeworks) to prepare an Initial Study ("IS") pursuant to Section 15063 of the Guidelines to the California Environmental Quality Act ("CEQA") on the September 2021 Submittal; and

WHEREAS, upon completion of the IS for the September 2021 Submittal, the City's professional planning staff and its environmental consultant concluded that there could be significant impacts related to Biological Resources, Cultural Resources, and Noise; however, through the incorporation of mitigation measures, they anticipated these impacts would be reduced to less than significant levels; and

WHEREAS, although a mitigated negative declaration (MND) may have been appropriate, in an abundance of caution, the City's professional planning staff and its environmental consultant prepared a Draft Environmental Impact Report (DEIR) for the September 2021 Submittal (SCH #2022020137); and

WHEREAS, a public comment period for the notice of preparation (NOP) of the DEIR took place from February 4, 2022 through March 7, 2022, and a public scoping meeting took place on February 16, 2022; and

WHEREAS, on April 11, 2023, the applicant submitted a preliminary housing application for a "builder's remedy" housing development project with 87 units, of which, 15 units would be affordable to low-income households (and later revised this submittal to a 91-unit project) (the "Builder's Remedy Submittal"); however, the applicant told the City that its preferred project was its 56-unit September 2021 Submittal and directed the City to continue processing that application; and

WHEREAS, consistent with the applicant's direction, the City continued to process the September 2021 Submittal for a 56-unit housing development project; and

WHEREAS, in compliance with CEQA Guidelines Section 15087, the City provided a Notice of Availability (NOA) of a DEIR on the 56-unit September 2021 Submittal to advise and solicit comments from Responsible and Trustee Agencies, interested organizations, and individuals regarding the content of the DEIR and circulated the DEIR for a 45-day public review and comment period from July 26 to September 8, 2023.

WHEREAS, after the public review and comment period on the DEIR closed, the City's professional planning staff and its environmental consultant responded to the public comments the City received and created a Final Environmental Impact Report (FEIR),

which concluded that, with mitigation, the Project will not have a significant effect on the environment; and

WHEREAS, unrelated to this Project, on July 11, 2023, the City Council adopted Resolution 2024-47 approving the City's Sixth Cycle 2021-2029 Housing Element Update and certifying an associated Environmental Impact Report (SCH # 2021090340) that, among other things, designated the Property as "Opportunity Site #39" and allowed residential development on the Property, consistent with the standards for the City's Multi-Family Residential zone that allows for a maximum density of 30 units per (MFR 30 Overlay) and anticipated a realistic unit count yield of 137 units; and

WHEREAS, in April of 2024, the applicant informed the City that it had changed its mind, and its preferred project was the 91-unit Builder's Remedy Submittal; in accordance with this direction, the City and its environmental consultant began updating their environmental review to study the applicant's 91-unit Builder's Remedy Project; and

WHEREAS, in connection with the City's Sixth Cycle 2021-2029 Housing Element Update, on June 25, 2024 the City Council adopted Resolution 2024-35 to change the Property's General Plan land use designation from "Public" to "Public" with a "Specific Plan Overlay" to allow residential development on the Property; and

WHEREAS, in connection with the City's Sixth Cycle 2021-2029 Housing Element Update, on June 25, 2024 and July 9, 2024, the City Council approved the first and second readings of Ordinance No. 2024-03 to change the Property's zoning from "Public" to "Specific Plan" to allow residential development on the Property; and

WHEREAS, in August of 2024, the applicant informed the City that it had changed its mind again, and its preferred project was the 56-unit September 2021 Submittal; and

WHEREAS, in response to public feedback, the applicant further revised its September 2021 Submittal to reduce the number of units from 56 to 55 and to create a "pocket park" that would allow access from the adjacent La Puerta Sports Park to the housing development; and

WHEREAS, on October 1, 2024, the Planning Commission held a duly-noticed public hearing on the revised September 2021 Submittal, and after considering the matter fully, voted 5-0-2 (Commissioner Davis was absent and Commissioner Wong recused himself from the item) to recommend that the City Council certify the EIR for the Project and approve the proposed Specific Plan and Tentative Tract Map for the 55-unit project; and

WHEREAS, on November 12, 2024 the City Council held a duly-noticed public hearing on the proposed EIR, Specific Plan, and Tentative Tract Map for the proposed 55-unit project and the applicant's request pursuant to Section 16.036.040 of the Claremont Municipal Code that the City permit the applicant to pay a fee in-lieu of providing inclusionary units for the project.

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

SECTION 1. Incorporation of Recitals. The above recitals are true and correct and are incorporated herein.

SECTION 2. CEQA. In accordance with Section 15063 of the State CEQA Guidelines, the City's professional planning staff, with assistance from the City's environmental consulting firm (PlaceWorks), completed an Initial Study (IS) for the Project. An IS is an informational document that evaluates a proposed project's potential to significantly impact the environment, while also identifying ways to reduce or avoid environmental impacts through mitigation measures. Upon completion of the IS, City staff concluded that there could be significant impacts related to Biological Resources, Cultural Resources, and Noise; however, through the incorporation of mitigation measures, these impacts would be reduced to less than significant levels. Impacts to all other study areas were found to be less than significant. A Final Environmental Impact Report (FEIR) and Mitigation Monitoring Reporting Program (MMRP) have therefore been prepared.

The 45-day public review period for the Initial Study (IS) and Draft EIR (DEIR) commenced on July 26, 2023, and concluded on September 8, 2023. The IS and DEIR are available on the City's website at <https://www.ci.claremont.ca.us/living/development-projects/la-puerta-development> and are incorporated herein by reference as if set forth in full. Following the public review period, City staff responded to the 16 comment letters that the City received on DEIR and finalized the MMRP. The response to comments and the final MMRP have been incorporated into the DEIR to create the FEIR, dated October 2023. The revisions made in the FEIR, are limited to minor modifications to Section 5.3, Biological Resources mitigation measures (BIO-1 and BIO-2) that were revised in response to comments from the California Department of Fish and Wildlife. No revisions were made to any of the environmental topics discussed in the IS, and no additional mitigation measures were needed. The revisions made to the mitigation measures did not change the conclusion that with mitigation, the Project will not have a significant effect on the environment. The revisions are not "substantial revisions" as that term is defined in Section 15073.5 of the CEQA Guidelines.

The FEIR finds that there is no substantial evidence in the administrative record supporting a fair argument that the Project may result in any significant environmental impacts after implementation of the mitigation measures. The FEIR and the responses to comments contain a complete, objective, and accurate reporting of the environmental impacts associated with the Project and reflect the independent judgement and analysis by the City. Therefore, no further analysis is necessary.

In addition, while the application for this project was pending, the City studied the impacts of housing development on the Property at up to 30 dwelling units per acre (du/ac) in connection with the City's Sixth Cycle 2021-2029 Housing Element Update. The Housing Element Update and its implementing actions approved a General Plan Amendment and Zone Change for the Property. The City Council previously certified an Environmental Impact Report (SCH # 2021090340) for the Housing Element Update and its implementing actions. Although the DEIR and FEIR (SCH #2022020137) for this Project

contemplated a General Plan Amendment and Zone Change, those approvals are no longer needed.

In accordance with CEQA Guidelines Section 15090 and based upon substantial evidence in the record, the City Council hereby makes the following findings:

- A. The FEIR (SCH #2022020137) has been completed in compliance with CEQA;
- B. The FEIR (SCH #2022020137) was presented to the City Council and the City Council reviewed and considered the information contained in the FEIR prior to approving the Project; and
- C. The FEIR (SCH #2022020137) reflects the City's independent judgment and analysis.

Based upon substantial evidence in the record, the City Council hereby certifies and adopts the FEIR (SCH #2022020137), consisting of the following documents, is hereby certified and adopted:

- A. CEQA Findings of Fact and MMRP, attached to the City Council's November 12, 2024 agenda report for the Project as Attachment D and incorporated herein by this reference as if set forth in full;
- B. The FEIR – Response to Comments and Mitigation Monitoring and Reporting Program, available on the City's website at <https://www.ci.claremont.ca.us/living/development-projects/la-puerta-development> and are incorporated herein by reference as if set forth in full; and
- C. The IS and DEIR, available on the City's website at <https://www.ci.claremont.ca.us/living/development-projects/la-puerta-development> and are incorporated herein by reference as if set forth in full.

City Council directs the City's Community Development Director to take the actions required by the City's Local CEQA Guidelines regarding the posting and filing of a Notice of Determination for this Project.

SECTION 3. Findings and Determinations – Specific Plan. Based upon substantial evidence in the record, including written staff reports, the recommendations of the Planning Commission, staff presentation, written public comments, and verbal testimony, the City Council hereby finds and determines:

- A. The La Puerta School Site Specific Plan complies with Government Code Section 65451, in that it contains all of the content required for specific plans in the State of California and a statement of the relationship of the specific plan to the general plan.

The distribution, location, and extent of the uses of land, including open space, within the Specific Plan area (Gov. Code § 65451(a)(1)) are generally set forth in Chapter 2 (Land Use Regulations), which describes a single-family residential development with two permitted lot configurations and a system of streets and sidewalks serving each of the lots and includes a list of permitted and conditionally permitted uses. Table 2.1 (Development Regulations) includes a list of standards that regulate lot size, setbacks, parking requirements, building height limits, and requirements for private outdoor living space in the Specific Plan area.

The proposed distribution, location, and extent and intensity of major components of public and private transportation, sewage, water, drainage, solid waste disposal, energy, and other essential facilities proposed to be located within the La Puerta School Site Specific Plan area and needed to support the land uses described in the plan (Gov. Code § 65451(a)(2)) are generally located in Chapter 3 (Infrastructure). Sections include discussions on the context and location of transportation services, circulation including existing public and new private streets, grading, drainage, and utilities. Section 3.2 (Circulation Plan) addresses public and private transportation and Figure 3.1 provides a detailed street section that shows the location of travel lanes, sidewalks and landscaped parkways for the new local streets. Sections 3.3 through 3.5 address, grading, drainage, water service, sanitary sewer, utilities, emergency services and schools.

The standards and criteria by which development will proceed (Gov. Code § 65451(a)(3)) are generally located in Chapter 2 (Land Use Regulations), and standards for the conservation, development, and utilization of natural resources, where applicable (Gov. Code § 65451(a)(3)) are located throughout the entire Specific Plan, but are addressed in detail in Section 2.6 (Sustainability), which call for all homes to be all-electric and include photovoltaic electrical panels as well as low-flow water fixtures, and water efficient landscapes and irrigation systems.

A program of implementation measures including regulations, programs, public works projects, and financing measures necessary to carry out paragraphs above (Gov. Code § 65451(a)(4)) are generally located in Chapter 5 (Implementation and Administration). Table 5.1 includes a Financing and Maintenance plan for utilities, streets, common areas, front yards and parkways describing the party responsible for constructing and maintaining each of these improvements.

Section 1.7 of the Specific Plan includes a statement of the relationship of the Specific Plan to the City's General Plan. (Gov. Code § 65451(b)) including how it is consistent with and further implements several goals of the General Plan.

- B. In accordance with Government Code Section 65454, the La Puerta School Site Specific Plan is consistent with the General Plan, which was recently

revised by the City Council as part of the Housing Element Update to require a Specific Plan for the Project Site and allow housing to help address a state-wide shortage of housing.

The La Puerta School Site Specific Plan also implements a multitude of General Plan goals and policies as described below:

1. *Goal 2-1: Make Claremont a model for the application of sustainable development practices.*

The Specific Plan incorporates the latest in sustainable green building design principles and current green building codes will apply to all new development in the Specific Plan area. References to natural gas infrastructure have been deleted from the Specific Plan and replaced with language requiring new development to be “all-electric”, which can have a lower environmental impact than natural gas, especially when combined with the photovoltaic electrical panels that will be installed on the roof tops of the proposed residences.

2. *Policy 2-1.4: Avoid development of isolated residential areas.*

The Specific Plan would accommodate development of a new residential neighborhood on a vacant site that was previously occupied by a middle school. This new infill development is surrounded by established residential neighborhoods on the north, south and west sides of the Project area. The Project Area is not in a hillside area; the Project Area and its surroundings are generally flat with gently sloping topography.

3. *Policy 2-2.1: Provide opportunities for a variety of housing types that respond to the needs of residents.*

The Specific Plan would accommodate the construction of single-family homes and would increase the housing supply in the City. The single-family homes would support the housing needs of residents of all age ranges and include six Accessory Dwelling Units. The relatively modest lot sizes and innovative lot patterns provide additional variety for Claremont’s housing stock.

4. *Promote neighborhood identity and conservation of individual neighborhood character.*

The Specific Plan would facilitate the construction of two-story tall single-family homes, which would be comparable to the two-story single-family homes located on the western side of the Project Area, along Forbes Avenue. The Specific Plan permits the development of homes that would be designed in four architectural styles: American Cottage, California Bungalow, California Craftsman, and Spanish. The architectural styles were inspired by architecture found in the Claremont Historic Village and would be compatible with the existing homes in the community. The lots fronting Forbes Avenue are wider than lots on the interior of the development in order to better reflect the much wider lots found in existing development along Forbes Avenue.

5. Policy 2-2.4: Protect neighborhoods from impacts from non-residential development.

Implementation of the Specific Plan would convert the designated use for a large site from a public facility use to an exclusively single family residential use, which will protect the surrounding single family residential neighborhoods from the potential impacts that a public use could generate. It would convert a large vacant parcel into a new residential community that would be compatible with and complementary to the surrounding residential uses.

6. Policy 2-5.1: Insist on excellence in architectural design of new construction in the City.

The Specific Plan contains a detailed set of standards and guidelines that provide the design framework for streetscape, landscape, and buildings to create a unified community character, which has been reviewed by the City of Claremont Architectural and Preservation Commission (APC). If approved, the final designs of all buildings, landscapes, and common area spaces will be required to receive review and approval by the APC prior to construction in order to ensure new development is built in accordance with the vision outlined in the Specific Plan as well as the broader standards for excellent design of the Claremont community.

7. Policy 2-9.1: Provide crosswalks and sidewalks along streets that are accessible for people with disabilities and people who are physically challenged.

Future project residents will access the Project Area via Forbes Avenue and new private streets that will have sidewalks that will be ADA-compliant and have street trees to provide shade. On Forbes Avenue, improvements will be made on the west side of the right-of-way to accommodate the homes, driveways, sidewalks, and curb cuts. A pocket park located in the southwest corner of the project Property will provide direct public accessibility from Forbes Avenue and the new internal streets to the adjacent existing sports fields at La Puerta Sports Park. Additional connectivity from Forbes Avenue to the La Puerta Sports Park will continue to be accessible from the existing Thompson Creek Trail, which abuts the northern boundary of the Project Area.

8. Policy 2-9.2: Provide lighting for walking and nighttime activities, where appropriate.

The Specific Plan includes standards for lighting for streetscape design, which call for functional lighting fixtures that direct light to activity areas while minimizing nuisance glare and ambient light. The Specific Plan also provides for lighting that illuminates building address numbers, landscape, and structures at night; and building-mounted lighting fixtures (porch lights) that are consistent with the architectural style of the new residences.

9. Policy 2-12.3: Encourage new developments to incorporate drought tolerant and native landscaping.

The Specific Plan contains a landscape concept that provides guidance on landscaping for residential development that would occur in the Project Area. The landscape concept contains a planting palette that includes a variety of trees and shrubs that are historically found in the area, are native and adapted to the local environment, and are drought tolerant.

10. Policy 2-12.10: Enhance the City's streetscapes by pursuing initiatives that will facilitate the undergrounding of utilities.

The Specific Plan stipulates that all utilities be underground. This design strategy will enhance the City's streetscape. All on-site dry utilities are provided through underground infrastructure except the above ground transformers and pedestals.

11. Policy 2-13.2: Strive to ensure that street design appropriately pairs the aesthetic quality of a street with its functional aspects.

The new residential community accommodated by the Specific Plan will be accessed from Forbes Avenue. For the segment of Forbes Avenue where homes would be oriented toward the street, improvements would occur on the west side of the right-of-way to accommodate the homes, driveways, sidewalks, and curb cuts. Forbes Avenue will have curb adjacent sidewalks with landscape opportunities between the sidewalks and the homes, with shade trees planted along the street. The internal streets will be 36 feet wide, and they will be compliant with the Local Street designation in the Claremont General Plan. They will also include parkways and street trees to create an attractive and shaded streetscape and sidewalks for pedestrian accessibility.

SECTION 4. Acceptance of Planning Commission Recommendation – Specific Plan. The City Council hereby accepts the recommendation of the Planning Commission to adopt and approve the La Puerta School Site Specific Plan (File #24-SP01), which has been modified to address all of the changes requested by the Planning Commission during its review of the document and related resolution on October 1, 2024.

SECTION 5. Adoption and Approval – Specific Plan. Based upon the substantial evidence and testimony received at public hearing and the findings and conclusions set forth herein above, the City Council adopts and approves the La Puerta School Site Specific Plan (File #24-SP01), attached to the City Council's November 12, 2024 agenda report as "Attachment B", and incorporated as though fully set forth herein.

SECTION 6. Codification – Specific Plan. This Resolution shall not be codified as the General Plan land use design has already been changed to "Public" with a "Specific Plan Overlay" and the zoning designation and Official Zoning Map has already been changed to "SP16 - Specific Plan Area 16" as part of the Sixth Cycle 2021-2029 Housing Element Update approved by the City Council on July 11, 2023, June 25, 2024, and July 9, 2024.

SECTION 7. Findings and Determinations – Tentative Tract Map. Subject to approval of the requested Specific Plan, the City Council determines that the findings of Section 17.050.070 of the Claremont Municipal Code can be made for the proposed Tentative Tract Map as follows:

- A. *The proposed map, or the design, or improvement of the subdivision, is consistent with the General Plan and applicable Specific Plan and Municipal Code provisions of this Code.*** The proposed division of property, and its design and improvements, are consistent with the General Plan’s Specific Plan Overlay designation for the property and the various General Plan Goals and Policies described above. In addition, the map is consistent with the Specific Plan in the following ways:

Site Design – The 55 homes will be two stories tall and generally less than 30 feet high measured to their highest point and include a two-car garage, driveway, and private yard, and will be built at a density of approximately 6.0 dwelling units per acre. Six (6) homes will include integral attached accessory dwelling units (ADUs). The 55 residential lots range in size from 4,260 sq-ft to 8,457 sq-ft (5,445 sq-ft average) and will support four types of single-family homes. In addition, the lot pattern matches the example configurations shown in Figures 2.1 and 2.2 of the Specific Plan in terms of lot dimension as well as use of z-lot configurations on the interior of the development and wider, conventionally rectangular lots along Forbes Avenue.

Vehicular Access – Vehicular access to the Project Area would be provided via a stop-sign-controlled entry drive along Forbes Avenue, which would feed into a looped interior private street. The private street would provide direct access to the driveways of each single-family home, except for any homes fronting onto and taking direct access off of Forbes Avenue, which is an existing public street. All vehicular access and circulation improvements would be designed and constructed to City standards. The private street would be maintained by the established homeowner’s association (HOA). The existing La Puerta Sports Park, west of and abutting the Project Area, is accessed via Indian Hill Boulevard. No vehicle access to the Project Area via Indian Hill Boulevard is available or planned. In addition, the proposed local streets have been designed to match Exhibit 3.1: Local Street Section Example contained in Chapter 3 of the Specific Plan.

Parking – Parking for residents and visitors would be provided in accordance with the parking requirements of the Specific Plan. For example, all homes would include attached two-car garages that would be accessed via private driveways; project residents would also be able to park on their private driveways. Guest parking will be provided along the internal private street. Public parking along Forbes Avenue, a public street, is also permitted during daytime hours. Overnight parking is restricted on Claremont public streets to three nights per month per vehicle with a secured permit through the Claremont Police Department.

Pedestrian Access – The existing public sidewalk along the Forbes Avenue project frontage, which forms the eastern project site boundary, will remain or be reconstructed. The public sidewalk will connect to sidewalks along the internal private street and to the existing Thompson Creek Trail, which abuts the northern boundary of the Project Area. A new pedestrian connection between the private street and the La Puerta Sports Park will be constructed at the southwest corner of the map area. Sidewalk and parkway designs for local streets within the development match those shown in Exhibit 3.1 in Chapter 3 of the Specific Plan

Open Space and Parkland – New trees will be planted throughout the Specific Plan area providing shade, and other plantings will be provided in accordance with the City’s regulations and plant palette. The Thompson Creek Trail (outside of the Specific Plan boundary, but adjacent) is a pathway and linkage to La Puerta Sports Park from Forbes Avenue. Three small landscaped common area spaces including the new pedestrian connection between the private street and the La Puerta Sports Park, will be constructed within the map area. In addition to this common and public spaces, each home is equipped with a private yard that appears to exceed the minimum required private open space required by the development regulations contained in Table 2.1 of the Specific Plan.

B. *The site is physically suitable for the type and density of the development.* The Specific Plan proposes developing 55 residences on the 9.58-acre Project Area, which equates to approximately 6 units per acre. The recently-adopted 6th Cycle Housing Element lists the Project Area as a Housing Opportunity Site that could be developed at up to 30 dwelling units per acre (du/ac). Based on an analysis prepared for the Housing Element Update, the site could realistically accommodate up to 137 units, which more than twice the proposed density.

The project EIR analyses development of up to 58 single-family homes on the Project Area and determined no significant environmental impacts would result with the imposition of the Mitigation Measures contained in the MMRP. As such, the EIR indicates that Property is therefore physically suitable for developing 55 homes and associated improvements.

The tentative tract map would subdivide the Project Area into 55 residential lots for individual ownership. The tentative tract map also includes the creation of five lettered lots, which would be set aside for common area landscaping and access improvements, and four lettered lots for internal streets. The tentative tract map also includes creation of a separate legal parcel for the adjacent La Puerta Sports Park.

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.* As explained in the Final EIR, the design of the proposed subdivision of the Property and improvements

will not cause substantial environmental impacts, nor substantially injure fish and wildlife.

- D. *The design of the subdivision or the type of improvements is not likely to cause serious public health or safety problems.*** The design of the proposed subdivision and other related improvements will not cause any serious health or safety problems, in that all construction and public improvements will be performed per the requirements of all applicable codes, including the zoning and building codes and in accordance with the requirements and mitigation measures contained in the Final EIR. Mitigation measures require that the site be fully analyzed for pollutants and cleaned to levels that meet all applicable environmental standards prior to and during construction. In addition, the final map cannot be approved without full approval from the Los Angeles County Fire Department, who will ensure that all new streets meet required clearances and access standards, that lots meet hose pull standards, and adequate fire flow pressures and fire hydrants are provided prior to developing the project. Finally, the new homes will be required to meet all building standards regarding seismic safety, wind safety, and equipped with fire sprinklers.
- E. *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.*** The design of the subdivision will not conflict with easements acquired by the public at large. The community is accessed from Forbes Avenue. Roads within the Specific Plan will be privately maintained by a Homeowners Association (HOA), but shall be un gated and accessible to the public, similar to the surrounding neighborhoods. Public parking shall be available through a public easement, ensuring community wide access. The proposed sanitary sewer system will be located within the internal road system throughout the Property. Homes along Forbes Avenue will connect into the existing sewer lines in Forbes Avenue, while the homes within the tract will connect to the Indian Hill sewer lines (via an easement).
- F. *Solar access and passive heating and cooling design requirements have been satisfied in accordance with Chapter 17.03.*** The design of the subdivision allows adequate solar access to meet passive heating and cooling design requirements as all homes are modestly sized and similar in height both internally to the development and surrounding development. Sun exposure will not be screened as any existing development that could potentially be impacted is located at least 75 feet from the proposed homes.
- G. *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 Project helps the City meet its regional housing needs by providing for new market rate housing and accessory dwelling units in a Specific Plan setting that includes a variety of housing types with private outdoor living space, and provides pedestrian connectivity through the neighborhood.

- H. *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 discharge of waste from the Project will not result in the violation of the existing requirements of the Regional Water Quality Control Board, as the Project will be required to prove it is already located within the LA County Sanitation District or annex to the Los Angeles County Sanitation District and connect to the local sanitary sewer system. In addition, the development will be required to comply with the latest requirements regarding stormwater capture and percolation to minimize runoff to regional stormwater infrastructure and receiving bodies of water.

SECTION 8. Acceptance of Planning Commission Recommendation – Tentative Tract Map. The City Council hereby accepts the recommendation of the Planning Commission to Tentative Tract Map 83131, which has been modified to address any changes requested by the Planning Commission during its review of the document and related resolution on October 1, 2024.

SECTION 9. Approval of Tentative Tract Map. The Claremont City Council hereby approves Tentative Tract Map No. 83121, subject to the following conditions:

PLANNING/BUILDING DIVISION CONDITIONS

- A. The applicant shall submit, within five days of City Council approval, the following items necessary to file a Notice of Determination, as required by CEQA:
- 1) A check in the amount of \$75, payable to the Los Angeles County Clerk.
 - 2) A check in the amount of \$2,156.25, also payable to the Los Angeles County Clerk for the Department of Fish and Wildlife fees.
- B. The applicant or future project successor shall comply with all requirements of the Project's Mitigation Monitoring and Reporting Program ("MMRP").
- C. The Applicant shall submit and receive City approval of the proposed Articles of Incorporation and By-Laws for a Homeowners Association ("HOA") for the project and the Declaration of Covenants, Conditions, and Restrictions ("CC&R's"). These documents shall be reviewed and subject to the approval of the City Attorney, at the expense of the applicant. The CC&Rs shall identify any requirements that the City required to be included in the CC&Rs in connection with the City's approval of the proposed Specific Plan and/or the City's approval of Tentative Tract Map No. 83121 (the "City-Imposed CC&R Requirements"). The CC&Rs shall include language specifying that City-Imposed CC&R Requirements shall not be amended or removed without advance approval of the City Council.
1. These documents shall require the association and homeowners to comply with and maintain the design standards approved by the City; identify the size and permitted locations of patio covers and storage sheds of 120

- square feet or less; provide for regulation of on-site parking; regulate storage of recreational vehicles and boats; and, regulate the use of all common spaces.
2. These documents shall also provide for the continuing maintenance upkeep and liability associated with the private drive, common landscaping (including trees) and irrigation, common area facilities, all perimeter walls and fences, and any traffic control signs (i.e. stop sign(s), parking signs, speed limit signs, etc.).
 3. These documents shall contain provisions permitting the City to enforce the maintenance obligations of the HOA in the event it fails to carry them out, including the power, after proper notice, to lien both association and individual properties for costs of maintenance and enforcement. A separate contract between the HOA and the City may be required for this purpose.
 4. The HOA shall be established and the CC&R's recorded prior to or simultaneously with the recordation of the final tract map. The City may require review of the maintenance budget proposals submitted to the Department of Real Estate prior to their submittal to that department. The CC&R's document shall be reviewed and approved by the City Attorney at the applicant's expense.
 5. The developer shall cause the CC&R's to be recorded against each unit/parcel and shall prepare said CC&R's and pay related costs for the final review and approval by the Community Development Director and the City Attorney.
 6. Clearly identify the HOA's responsibility to maintain all common area landscaping (including a requirement that dead or dying trees be replaced with a specimen tree of the same species), private open space and park areas, private streets, private streetlights, private sewer lines, etc.
 7. Outline the permitted uses of the residential units in accordance with the Claremont Municipal Code.
 8. Clearly identify building and site maintenance responsibility, including repainting and a timetable for such maintenance to occur.
 9. Specify that the parking and/or storage of recreational vehicles, boats, trailers (recreational or business-related) equipment, and similar such vehicles, is prohibited overnight everywhere onsite except for inside private residential garages.
 10. Require that residents and property owners are required to use the provided garages and private driveway assigned to their unit to park their vehicles and not for long-term storage, unless the residential unit does not have more than two vehicles. If the unit only has one or no vehicles, then the resident could use half or all of a garage for their private storage.
 11. Require residents and property owners to screen all refuse containers (trash, recycling, green waste) from visibility of common areas, except on scheduled collection days.
 12. Include provisions for collection methods and locations associated with refuse containers (trash, recycling, green waste) for the individual units.

13. Require that any future rear yard patio covers receive HOA approval prior to application for a Building Permit from the City and that all covers be attached to the house and designed to be consistent with the architecture of the home.
14. The HOA shall allow open, ungated, public access and use of the pocket park at the southwest corner of the development, including allowing public ingress and egress through the pocket park to the Sports Park, in perpetuity. This requirement shall be included in the CC&Rs and shall not be amended or removed without approval of the City Council.
15. The HOA shall prohibit parking of vehicles on private streets in the development between the hours of 2 a.m. and 6 a.m. This requirement shall be included in the CC&Rs and shall not be amended or removed without approval of the City Council.

A copy of the final documents shall be submitted to the Community Development Department after recordation.

- D. Prior to the issuance of building permits for any residential unit, the developer shall:
 1. Comply with the applicable mitigation measures in accordance with the project's EIR and MMRP.
 2. Receive approval from the Architectural and Preservation Commission for all aspects of the proposed project's visual and design character, in accordance with all applicable design criteria set forth in the Claremont Municipal Code. The charge of the Architectural and Preservation Commission will be to review the proposed architectural design, exterior colors, materials and details, landscaping, signage and other design features for compatibility and consistency with the City's design review criteria.
- E. The landscape and irrigation plans submitted to the Architectural and Preservation Commission must include the parkway area within the right-of-way abutting the subdivision.
 1. Submit landscape plans and required water calculations and documentation to show the project is in compliance with the City's Water Efficient Landscape Ordinance.
 2. Provide proof of a recorded map in conformance with the approved tentative map. The subdivision map shall comply with the State of California's Subdivision Map Act and all applicable City ordinances and resolutions.
 3. Submit a letter from a geotechnical engineer approving the building pads and a pad certification letter from the registered civil engineer of record. Obtain inspection and approval by the Public Works Inspector and submit compaction tests and pad certification to the Engineering Division.

4. Submit and receive approval for construction plans, structural calculations, and Title 24 Energy calculations as required by the Building Division. When submitting plans at the time of plan check, if any substantial changes have been made from the approved design review application, the plans may require further Architectural and Preservation Commission review and re-notification of the surrounding property owners, which may delay the project and entail additional fees.
 5. Pay all applicable fees established by City ordinances and resolutions including, but not limited to:
 - i. Building Plan Check and Permit fees
 - ii. Public Art fees
 - iii. Fire facility
 - iv. School Impact fees to Claremont Unified School District
 - v. City Inclusionary Housing fees for the remainder unit percentage (.1 of the required 8.1 units)
 6. Ascertain and comply with all LACOFD requirements and provide documentation of their approval of the subdivision/project and all related conditions of approval/Fire Department requirements.
 7. Secure approval of a trash disposal plan from the Community Development and Community and Human Services Departments, which addresses individual trash containers and specific pick-up locations.
- F. The project applicant shall submit a final acoustical report to the City of Claremont for review and approval. The final acoustical report shall be prepared to the satisfaction of the Community Development Director, or his/her designee, and shall demonstrate that all homes meet the City's exterior and interior noise standards, as outlined below.

Exterior - The final acoustical report shall describe and quantify the noise sources impacting the private yards and specify the wall heights and locations that will ensure that the exterior noise levels for the private yards will remain below the City's 65 dBA CNEL exterior noise standard.

Interior – The final acoustical report shall describe and quantify the noise sources impacting the residential buildings, the amount of outdoor to indoor noise reduction provided in the architectural plans, and any upgrades required to meet the City's interior noise standard of 45 dBA CNEL for residences. The required noise reduction may be accomplished by providing construction elements, such as, but not limited to: (1) weather-stripping solid core exterior doors; (2) upgraded dual glazed windows and wall assemblies; (3) mechanical ventilation and air conditioning; and, (4) exterior wall and roof assemblies free of cut outs or openings. The measures described in the final acoustical report shall be incorporated in to the final construction plans and shall be the responsibility of and constructed by the applicant.

- G. Comply with the City's Community Art Program ordinance, pursuant to Municipal Code Chapter 16.148. The applicant shall either:
1. Pay an in-lieu public art fee equal to the building valuation of the project in accordance with the Building Division valuation schedule; or
 2. Provide a public art installation on or off site, subject to approval of the Claremont Public Art Committee, of the building valuation in accordance with the Building Division valuation schedule. This condition may be postponed by City staff if it is determined that ongoing construction is likely to result in damage to the art piece; however, under no circumstances shall the final certificate of occupancy for the project be issued before all requirements of the Community Art Program have been completely satisfied by the applicant.
- H. During all construction-related activities for the project the applicant shall ensure the following:
1. The hours of construction operation are limited to 7:00 a.m. to 8:00 p.m., Monday to Saturday, as in effect in the Claremont Municipal Code. No construction activity is allowed on Sundays and federal holidays.
 2. All construction equipment shall use properly operating mufflers.
- I. Prior to the issuance of the first certificate of occupancy for any dwelling unit, at a minimum, the following improvements shall be installed by the developer to the satisfaction of the City Engineer:
1. A sewer system in accordance with approved sewer plans.
 2. All public utilities to service the site, including gas, electricity, water, and telephone. The developer shall contact the individual utility companies to coordinate the installation of said utilities.
 3. Street and public right-of-way improvements and any other necessary improvement to provide adequate vehicular and emergency access and as determined by the City Engineer. This includes the repair and/or replacement of all existing sidewalk, curb and gutter.
 4. Traffic and parking items (i.e., stop sign, striping) as determined necessary by the City Engineer and the Building and Safety Official.
 5. Streetlights within the project area approved by the Architectural and Preservation Commission.
 6. Bus stop improvements as determined appropriate by the Community Development Director .
 7. Underground all utilities serving the site in accordance with the requirements of the Municipal Code.

8. The project applicant shall ensure that the HVAC systems of all residential units shall be fitted with air filters with a MERV of eleven or better in the intake of residential ventilations systems.

- J. All street trees for the Forbes Avenue frontage and private interior streets shall be a minimum 36-inch box size and doubled-staked in accordance with the City's staking standard. The exact tree type, number and appropriate spacing shall be reviewed and approved by the Community and Human Services Department.

- K. All existing trees north of the project boundary between the project boundary and the Thompson Creek Trail shall be preserved in place.

- L. Street trees and landscaping within the public right-of-way shall be installed within one year of execution of the Subdivision Improvement Agreement for the project or prior to issuance of the first certificate of occupancy, whichever occurs first. The Community Services Director shall determine the placement and the health of the street trees.

- M. The applicant shall maintain the new street trees for a period of one year after installation to ensure that the trees are fully established, and as a guarantee of their continued health and condition. Thereafter, upon a final inspection by the Community Services Department, ongoing maintenance (e.g., pruning, fertilizing, but not including regular watering) will be the responsibility of the City of Claremont.

- N. The grading activities shall not impact the existing La Puerta Sports Park or the Thompson Creek Trail.

- O. After installation of all lighting equipment, the project shall be subject to the City's 30-day lighting level review process outlined in the Claremont Municipal Code.

- P. Prior to the release of the applicable subdivision improvement bonds, the improvements authorized by either a grading permit or public works permit shall be done to the satisfaction of the City Engineer. Prior to construction, the applicant shall obtain both a public works permit and grading and on-site improvement permit from the Engineering Division.

ENGINEERING DIVISION CONDITIONS

Final Map Conditions - The following conditions shall be met prior to approval of the Final Map

- A. Submit to the City, at least 60 days before filing the original signed Final Map in order to permit review, pursuant to Government Code §66456.2, of the following documents and receive approval from the City Engineer:

1. A Final Map for review and approval from the City Engineer and City's Acting Land Surveyor, along with the applicable review deposit. The Final Map shall be in conformance with the approved Tentative Map. The Final Map shall comply with the State of California's Subdivision Map Act, and all applicable City ordinances and resolutions. The Final Map shall show additional dedications for street right-of-way, landscape, pedestrian access, sewer lines, storm drain lines, or overland flow, as necessary. Once approved, the Final Map shall be approved for recording by the City Council and be recorded with the County Recorder.
 2. Closure calculations for map.
 3. Los Angeles County Bench marks shall be used for vertical control.
 4. Final Map tax clearance from the Los Angeles County Land Development Office pursuant to Government Code Section § 66492.
 5. Notes on all applicable map sheets indicating any private roads and pathways that will have unimpeded public access.
 6. Certified title report and backup documents. This includes any/all reference maps and any easement documents referenced in the title report.
 7. 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.
 8. "Will-serve" letters from utilities including gas, water, electric, cable TV, and telephone.
 9. Evidence that the applicant has contacted the individual companies to coordinate the installation of said utilities and meet their requirements.
- B. The applicant shall submit an original, signed Final Map, and offers for dedication of all necessary easements when required for roadway purposes, public sidewalks, park access, drainage facilities, sanitary sewer, landscaping, utilities, ingress and egress, etc., consistent with the Tentative Map.
- C. All dedications shall be recorded as directed by the City Engineer. No structures shall be placed on any part of an easement, except those directly related to the purposes of said easement, or otherwise approved by the City Engineer or respective easement holders. If applicable, any quitclaims by the City to be done prior to recordation of Final Map (and document number noted on Final Map).
- D. A water system, designed to the satisfaction of Golden State Water Company, the City Engineer, and the Los Angeles County Fire Department (LACFD) shall be provided to meet GSW and LACFD requirements and the California Public Utilities Commission (CPUC) rules and regulations.
- E. All LACFD requirements and conditions for the project shall be satisfied, including, but not limited to, requirements for public fire hydrants and public water to support the project during construction and build out conditions.

- F. Enter into a Subdivision Improvement Agreement with the City of Claremont for the completion of all applicable public improvements fronting the map boundaries.
- G. Pay all fees and satisfy the requirements established by City ordinances and resolutions including, but not limited to, those set forth in the Claremont Municipal Code. These shall include, but not be limited to, the following:
 - 1. Tentative and Final Map Check
 - 2. Public Works Permit, plan check and inspection fees
 - 3. Grading Permit, plan check and inspection fees
 - 4. If applicable pay outstanding review fees.
 - 5. Development Impact Fees, including but not limited to:
 - i. Sewer connection fees
 - ii. Drainage fees
 - iii. Transportation Impact fees
 - iv. Parkland fees
 - v. Resurfacing fees
 - 6. Post security deposits/bonds guaranteeing:
 - i. construction within the public right-of-way and easement areas
 - ii. drainage and grading improvements
 - iii. construction of all utilities serving the site (including undergrounding of any/all utilities)
 - iv. sewer improvements
 - v. maintenance deposits
 - vi. landscape improvements (including street trees)
 - 7. File a Notice of Intent (NOI) with the Regional Water Quality Control Board.
 - 8. Monument preservation shall be done in accordance with the Business Professions Code section 8771.
- H. Annex or provide verification that the property has been annexed into the Los Angeles County Sanitation District Number 21, and all applicable fees shall be paid.
- I. The Final Map shall provide easement rights for publicly accessible roads, La Puerta Park, La Puerta Park access pathway, and interior sidewalks.

Demolition and Grading Permit Conditions

- J. The following conditions are required prior to issuance of Demolition Permits:
 - 1. Provide to City Staff and receive approval from the City Engineer of detailed plans/documents that includes construction fencing, contractor parking, construction truck routing, materials staging, and street, sidewalk and bike route closures for the construction of the project.

2. Show the La Puerta Sports Park to the west, and Thompson Creek trail/MWD easement to the north to be protected in place.
 3. Show limits of existing concrete v-gutter to be demolished and note procedures for ensuring storm drain run-off from site during construction.
 4. Demonstrate how the stormwater that is currently being routed to the existing concrete channel will be managed.
- K. Prior to issuance of Grading Permits, the applicant shall comply with the following Standard Conditions:
1. Submit all required plans and technical studies, which shall be prepared by a registered professional engineer and submitted to the City Engineer for review and approval. All drawings must be submitted on 24"x36" and 11"x17" sheets.
 - i. A geotechnical report prepared according to Los Angeles County Department of Public Works Manual for Preparation of Geotechnical Reports. This report shall also include fault investigation and reference the latest California Building Code (CBC).
 - ii. A 25-year hydrology study prepared in conformance with the standards and requirements of the Los Angeles County Flood Control District Hydrology Manual.
 - iii. Comprehensive precise grading and drainage plans. Plans shall be prepared and duly wet-stamped by a licensed civil engineer and be in conformance with the California Building Code and the City's standard grading requirements, and shall demonstrate compliance with the recommendations of the geotechnical report.
 - iv. 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 and City consultant.
 - v. The LID and SWPPP approvals shall be required prior to the issuance of grading and/or public works permits.
 - vi. The LID shall be prepared to comply with all applicable city and state requirements and shall address all preliminary comments provided by the city's environmental consultant.
 - vii. Infiltration testing shall be required for the design of each proposed infiltration device/BMP. Infiltration testing shall be conducted in conformance with Los Angeles County Public Works Guidelines for Geotechnical Investigations and Reporting Low Impact Development Stormwater Infiltration. These tests shall be performed at the proposed BMP location(s) and infiltration depth(s).
 - viii. The applicant may, as a result of the findings of the hydrology study, be required to install additional storm drain infrastructure prior to the issuance of the Certificate of Occupancy.

- ix. Utility plans shall show all applicable utilities (existing and proposed). Utilities shall be placed underground including both facilities and wires for the supply and distribution of electrical energy, telephone, data and cable in accordance with the requirements of the Claremont Municipal Code. The existing and proposed underground utilities must be shown on the Building Plans and Engineering plans.
 - x. ALTA survey to support the preparation of the grading plan.
 - xi. Construction easements and agreements and/or authorizations permitting the offsite construction or construction affecting third parties shall be required.
 - xii. Street Improvements Plan. Street improvements, including but not limited to, street trees and parkway landscaping, public and private streetlights, ADA compliant sidewalks and handicap ramps, and drive approaches shall be designed per City Standards. The improvements shall be consistent with the City's Complete Streets and Green Streets Policies.
 - xiii. Public and private street lights shall be installed per the City of Claremont Street Light Policy. In addition, existing signage replacements and/or relocations and new sign installations within the project frontage shall be consistent with City MUTCD standards, which include new reflective requirements.
 - xiv. Sewer plans designed by a registered civil engineer. The Plans shall identify both public and private portions. Studies involving the sewer capacity shall be required as determined by the City Engineer. The applicant shall conduct sewer flow metering at specific locations as directed by the City Engineer.
 - xv. The City's consultant shall review the flow metering results and will determine whether proposed connection can be accommodated and whether upgrades to the sewer system will be necessary. The applicant shall be responsible for those upgrades.
 - xvi. A water system, designed to the satisfaction of Golden State Water Company, the City Engineer, and the Los Angeles County Fire Department (LACFD) shall be provided to meet GSW and LACFD requirements and the California Public Utilities Commission (CPUC) rules and regulations.
 - xvii. LACFD requirements and conditions for the project to be satisfied, including but not limited to, requirements for public fire hydrants and public water to support the project during construction and build out conditions.
 - xviii. Meet all the requirements of the Building Code.
2. Annex or provide verification that the property has been annexed into the Los Angeles County Sanitation District Number 21, and all applicable fees shall be paid.

3. Submit a construction timeline for the project.
4. Pay all fees and satisfy the requirements established by City ordinances and resolutions including, but not limited to, those set forth in the Claremont Municipal Code. These shall include, but not be limited to, the following:
 - i. Tentative and Final Map Check
 - ii. Public Works Permit, plan check and inspection fees
 - iii. Grading Permit, plan check and inspection fees
 - iv. If applicable pay outstanding Development Review fees.
 - v. including but not limited to:
 - a. LID review
 - b. Hydrology Study review
 - c. Geotechnical Report review

L. Prior to the release of the applicable improvement bonds, the improvements authorized by either a grading permit or public works permit shall be done to the satisfaction of the City Engineer. Prior to construction, the applicant shall obtain both a public works permit, and grading and on-site improvement permit from the Engineering Division.

M. Prior to the issuance of Certificate of Occupancy:

1. Red curb or post no parking on all public and private streets as determined by the City Engineer and/Fire Department, per City's Curb Marking Policy.
2. Add street/roadway name signs (public and private). Private signs shall be clearly indicated as private as determined appropriate by the City Engineer.
3. Make all necessary repairs of improvements prior to delivering public improvements to the City. All public improvements shall be reviewed for final acceptance by the City Engineer and shall be in excellent condition prior to issuance of the final Certificate of Occupancy for the project.

N. Special Conditions:

1. A final tract map shall be approved by the City Council prior to issuance of Grading Permits or start of work on the site.
2. Public right of way dedications to accommodate the City's Complete Streets Policy shall be provided as necessary.
3. The required public improvements necessary to service any unit being occupied shall be provided prior to issuance of any Certificate of Occupancy.
4. Private street, driveways, and alleys shall be constructed in accordance with the approved typical sections shown on the tentative map.

5. Private streets, alleys, and drives shall be re-constructed as determined by a geotechnical report, with a minimum four-inch of asphalt over four-inches of compacted native materials.
6. During grading and construction operations, the applicant shall implement Best Available Control Measures (“BACM’s”) to minimize nuisance levels of construction activity emissions such as dirt, emissions and offsite impacts. BACM’s shall include, but not limited to, the following:
 - i. Water all active construction areas at least twice daily.
 - ii. Cover all haul trucks or maintain at least two feet of freeboard.
 - iii. Pave or apply water four times daily to all unpaved parking or staging areas.
 - iv. Sweep or wash any site access points within 30 minutes of any visible dirt deposition on any public roadway.
 - v. Cover or water twice daily any onsite stockpiles or debris, dirt, or dusty material.
 - vi. Suspend all operations on any unpaved surface if winds exceed 25 mph.
 - vii. Hydroseed or otherwise stabilize any cleared area which is to remain inactive for more than 96 hours after clearing is completed.
 - viii. Require a 90-day, low-NOx tune-ups for off-road equipment.
 - ix. Limit allowable idling to five minutes for trucks and heavy equipment.
 - x. Encourage carpooling for construction workers.
 - xi. Limit lane closures to off-peak travel periods.
 - xii. Park construction vehicles off traveled roadways.
 - xiii. Wet down or cover dirt hauled offsite.
 - xiv. Wash or sweep access points daily.
 - xv. Encourage receipt of material during non-peak traffic hours.
 - xvi. Sandbag construction sites for erosion control.
7. Prior to grading and building operations, the applicant shall provide to City staff a signed written statement from the primary construction contractor acknowledging receipt of all related City Conditions of Approval and that the contractor understands that it is a misdemeanor under Claremont Municipal Code to violate a Condition of Approval.
8. Provide proof of compliance (letter of clearance) with LACFD conditions.
9. Provide proof of compliance (letter of clearance) with GSW requirements.
10. Demonstrate compliance with Building Code.
11. Demonstrate compliance with the City’s MS4 Ordinance.

12. Provide written confirmation that work can proceed, from easement holders of easement areas that cannot be mapped.

13. Provide a truck route.

- O. **Prior to the release of the applicable improvement bonds**, the improvements authorized by either a grading permit or public works permit shall be done to the satisfaction of the City Engineer. Prior to construction, the applicant shall obtain both a public works permit, and grading and on-site improvement permit from the Engineering Division.

SECTION 10. Findings and Determinations – Inclusionary In-Lieu Fee. Based upon substantial evidence presented to the City Council during the public hearing, including written staff reports, the Applicant's Financial Feasibility Analysis (Attachment E to the Staff Report, incorporated herein by reference as if set forth in full), the Applicant's Description of Affordable Housing Programs Investigated to Close the Feasibility Gap, the applicant's assessment of available land for dedication the staff presentation, written public comments, and verbal testimony, the City Council hereby finds and determines that the Applicant's request to pay a discretionary fee in-lieu of providing the required inclusionary units complies with Claremont Municipal Code Section 16.036.040 as follows:

- A. The proposed 55-unit residential development complies with all requirements in the administrative manual as the required Inclusionary Housing Plan and Agreements will be drafted to show that the correct In-Lieu fee, calculated in accordance with the applicable manual, will be paid at the appropriate time in the approval process. Affordability levels and sales price assumptions are based on methodologies contained in the manual.
- B. Evidence provided by the Applicant and verified by staff demonstrate that the inclusionary units on-site and/or through land dedication would result in an unreasonable and unavoidable economic hardship. In evaluating this finding, the City Council evaluated the information regarding the Project's financial feasibility, which indicated that provision of the required inclusionary units would require a developer subsidy of approximately \$10.8 million and cause the project to be financially infeasible, while benefitting just nine families. This infeasibility would cause the developer to either forego developing the project or completely redesign the project to a completely different type of housing (attached vs. detached homes). The Applicant also studied the concept of either dedicating a portion of the Property or purchasing and dedicating a vacant site in the vicinity of the Project and determined that on-site dedication would have similar economic feasibility impacts and that there was no available vacant land in the vicinity of the site to purchase and dedicate for affordable housing.
- C. The developer has explored and exhausted all options to reduce the cost of development and sources of funding to subsidize on-site inclusionary units, such as participating in such programs like: (a) low income housing tax credits; (b) below market rate financing from governmental affordable housing

programs; (c) tax-exempt bond financing; and (d) any other available government programs as described in Attachment E to the staff report, incorporated herein as if set forth in full. As noted in the report, the vast majority of housing funding is intended for smaller, denser housing types and generally do not fund affordable housing as large, single-family detached homes that are anticipated to sell for \$1.2 to \$1.7 million, well above the median home price for the area.

SECTION 11. Approval – Inclusionary In-Lieu Fee. Based upon the substantial evidence and testimony received at public hearing and the findings and conclusions set forth herein approving the Specific Plan and Tentative Tract Map (above), the City Council approves the Applicant's request to pay the applicable discretionary fee in-lieu of providing the required nine affordable units within the project; and

SECTION 12. Findings and Determinations – SB166 No Net Loss. The Property has been identified as Opportunity Site #39 in the City's recently certified Housing Element Update (HEU) and designated to help meet the City's current share of the regional housing need. The proposed project will not interfere with the City's ability to provide adequate zoning capacity to accommodate its fair share of housing development. Based upon substantial evidence presented to the City Council during the public hearing, including written staff reports and verbal testimony, the City Council hereby finds and determines that the project complies with California Government Code Section 65863 (SB166 No Net Loss) based on the following:

- A. Consistency with the General Plan - The application for the proposed 56-unit project was submitted more than three years before the City approved the HEU, and the project proposed development at the density that the City anticipated for the Property at that time. In the event that this project did not move forward, the HEU determined it was appropriate to rezone the Property to allow a higher density. Accordingly, the General Plan land use designation and zoning allow up to 30 dwelling units per acre maximum density for the Property and anticipate that the Property has a realistic unit yield of 137 units. Nevertheless, knowing an application for a lower-density project was pending, the HEU did not impose a minimum density for the Property. The proposed Specific Plan is consistent with the HEU and all other elements of the General Plan as described in Section 3.B above. The project also implements multiple pro-housing programs contained in the HEU by complying with the City's Inclusionary Housing Ordinance (either through provision of inclusionary units or through payment of an in-lieu fee) and including at least six new accessory dwelling units in addition to the 55 new single family detached homes. Therefore, the Project is consistent with the General Plan.
- B. The remaining opportunity sites identified in the HEU are adequate to meet the requirements of Government Code Section 65583.2 and to accommodate the City's share of the regional housing need pursuant to Section 65584. Despite anticipating the Property could yield a realistic unit count of 137 units, staff, the City Council, and State were all aware of the pending applications that proposed development of the Property at 55 units. When developing the HEU,

the City recognized that some opportunity sites (and in particular Opportunity Site #39) would likely be developed at lower densities than those identified in the HEU. To that end, the HEU includes a surplus of 672 units to allow some sites to be developed at lower densities without impacting the viability of the HEU's fair share housing strategies. At this time, no other opportunity sites have been approved for development at densities lower than anticipated in the HEU. This project is the first such reduction to an opportunity site identified in the HEU, and as noted above, it was a reduction the HEU anticipated and accounted for because the application for this project was pending when the HEU was developed and adopted. The net reduction of 82 units is well within the 672-unit buffer that was included in the HEU and associated zoning amendments. Even with the reduction caused by approving this Project, the remaining opportunity sites continue to provide zoning capacity that is more than adequate for the City of Claremont to achieve its fair share of the regional housing need. The City is currently processing entitlements for approximately 250 additional units in the City with more than half being designated as affordable.

SECTION 13. Findings and Determinations – SB330 No Net Loss. Although the City of Claremont is an affected City, approval of the Project does not represent a net loss as defined under Government Code Section 66300 as the Property is not being down-zoned as part of the project approvals. As stated in Section 12 above, the Property is zoned Specific Plan and the Project provides a density that was anticipated at the time the zoning and HEU were drafted and approved.

SECTION 14. Certification of Resolution. 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 12th day of November, 2024.

Mayor, City of Claremont

ATTEST:

City Clerk, City of Claremont

APPROVED AS TO FORM:


City Attorney, City of Claremont