

ARCHITECTURAL AND PRESERVATION COMMISSION RESOLUTION NO. 2025-__

A RESOLUTION OF THE ARCHITECTURAL AND PRESERVATION COMMISSION OF THE CITY OF CLAREMONT, CALIFORNIA APPROVING ARCHITECTURAL & SITE PLAN REVIEW #22-A06 FOR A FOR THE PROPOSED SUBDIVISION OF 2.67 ACRES OF LAND FOR A 70-UNIT TOWNHOME CONDOMINIUM DEVELOPMENT ON A PROPERTY LOCATED AT 840 SOUTH INDIAN HILL BOULEVARD. APPLICANT: CITY VENTURES (CLAREMONT 2 INV, LLC)

WHEREAS, on August 31, 2023, the applicant, City Ventures as Claremont 2 Inv. LLC (“Applicant”), submitted a preliminary design review application for a proposed, a 65-unit townhome condominium development, on a 3-acre site (2.67 net acres after American Avenue is dedicated to the City) located at 840 South Indian Hill Boulevard, Claremont, California 91711 (“Project Site”) near the northeast intersection of American Avenue and Indian Hill Boulevard (the “Project”); and

WHEREAS, on December 13, 2023, the Architectural Commission conducted a preliminary review of the Project, heard public comment, and provided direction to the Applicant; and

WHEREAS, at the time the Applicant submitted its preliminary application, the General Plan land use designation and zoning designation for the Project Site were Freeway Commercial and Commercial Freeway (CF) respectively, so the Project would have required a General Plan Amendment and zone change to allow for residential development; and

WHEREAS, in conjunction with the approval of the City’s 2021-2029 General Plan Housing Element Update, on July 9, 2024, the City Council approved Ordinance 2024-03, which among other things, changed the Project Site’s General Plan land use designation from Freeway Commercial to Residential 22 and changed the Project Site’s zoning designation from Freeway Commercial to Residential Multi-family 2,000 (RM 2,000); and

WHEREAS, on August 15, 2024, the Applicant submitted an application for Tentative Tract Map No. 84564, identified on the plans as a Vesting Tentative Tract Map, for the subdivision of 2.995 gross acres of land (also identified as a net area of 2.668 acres) for a 70-unit townhome condominium development; and

WHEREAS, on December 5, 2024, the Applicant submitted written notice pursuant to Assembly Bill 1633 (2023-2024), now codified at Government Code Section 65589.5.1 and, with that notice, provided technical studies (collectively, the “AB 1633 Notice”) that qualify as substantial evidence that the Project is exempt from the California Environmental Quality Act (CEQA) pursuant Section 15332 of the CEQA Guidelines as it is an urban in-fill project on less than five acres of land (Class 32) and none of the exceptions to using this Categorical Exemption listed in Section 15300.2 of the CEQA Guidelines apply to this Project. The City’s professional planning staff and the City’s subject matter expert consultants peer reviewed the Applicant’s AB 1633 Notice. On

March 5, 2025, the City's Community Development Director exercised his authority under Section 15025(a)(1) of the CEQA Guidelines and determined that the Class 32 exemption is applicable to this Project and that none of the exceptions in Section 15300.2 of the CEQA Guidelines apply to this Project, and therefore, determined the City cannot require any further environmental review for the Project; and

WHEREAS, because the Project reserves 10% of its 66 base units for households with moderate income (which is a requirement of the City's Inclusionary Housing Ordinance, Chapter 16.036 to the Claremont Municipal Code ("CMC")), the Project qualifies for a for a 5% density bonus, one concession or incentive to reduce housing costs of the Project, and an unlimited number of waivers or reductions in to accommodate the density of the Project, which the City generally must approve under the State Density Bonus Law (Gov. Code § 65915, et seq.); and

WHEREAS, Title 16 of the Claremont Municipal Code ("CMC") requires that the Architectural and Preservation Commission review all new multi-family development; and

WHEREAS, on May 1, 2025, notice of public hearing was mailed to property owners with a 700-foot radius of the borders of the Project Site and notice of the public hearing was posted at the Project Site; and

WHEREAS, the Architectural and Preservation Commission held a public hearing on May 14, 2025, at which time all persons wishing to testify in connection to said proposal were heard and said proposal was fully studied.

NOW, THEREFORE, THE CLAREMONT ARCHITECTURAL AND PRESERVATION COMMISSION DOES HEREBY RESOLVE:

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

SECTION 2. CEQA. The Applicant has submitted written notice pursuant to Assembly Bill 1633 (2023-2024), now codified at Government Code Section 65589.5.1 and, with it, submitted substantial evidence in the form of technical studies (collectively, the "AB 1633 Notice") establishing that the Project is exempt from the California Environmental Quality Act (CEQA) pursuant Section 15332 as it is an urban in-fill project on less than five acres of land (Class 32) and none of the exceptions to using this Categorical Exemption listed in Section 15300.2 of the CEQA Guidelines apply to this Project. The Applicant's AB 1633 Notice has been peer reviewed by the City's professional planning staff and its subject matter expert consultants. On March 5, 2025, the City's Community Development Director exercised his authority under Section 15025(a)(1) of the CEQA Guidelines and determined that the Class 32 exemption is applicable to this Project and that none of the exceptions in Section 15300.2 of the CEQA Guidelines apply to this Project, and therefore, the Director determined the City cannot require any further environmental review the Project.

Based on substantial evidence in the record, including without limitation, the Applicant's AB 1633 Notice, the Architectural and Preservation Commission concurs with the determination of the City's Community Development Director that the Project qualifies for a Class 32 CEQA Exemption and is not subject to any of the exceptions outlined in Section 15300.2 of the CEQA Guidelines.

SECTION 3. Design Review Criteria Conformity Findings. The Architectural Commission finds that the required criteria contained in Section 16.300.060.A of the Claremont Municipal Code can be made in regard to the above-described project as follows:

A. Conformity with Development Standards - The proposed Project is in substantial conformity with all applicable development standards in the Mixed Use 3 (MU3) zoning district as described in Table 1 below:

Table 1. Development Standard Conformity Analysis

	<i>Development Standard</i>	<i>Proposed</i>	<i>Complies</i>	<i>Comment</i>
Zoning	RM 2,000	RM 2,000	Yes	Zoning designation amended with Housing Element rezoning
Density	Max. 22 du/acre 22 du/a x 3 acres = 66 base units	70 Units Net: 24.3 du/a Gross: 21.7 du/a Base Density = 66 units 5% Density Bonus = 4 units	Yes, with Density Bonus 66+4 =70	Gross property size is used to calculate residential density pursuant to State Density Bonus Law (SDBL). Project utilizes a 5% density bonus allowed by SDBL
Min. Lot Size per unit	2,000 sq. ft./unit	Gross: 130,462-SF	Yes	With Density Bouns, Project complies with min. lot size per unit.
Setback (Front)	20 feet	11 feet	Yes, with Density Bonus waiver	Applicant is using waiver to reduce front setback requirement pursuant to SDBL
Interior Side & Rear Setback	5 feet	West PL: 10 feet East PL: 15 feet North PL: 10 feet	Yes	Project complies with side and rear setbacks
Height	Three stories/35-feet	Three stories/34'-7"	Yes	
Height (within 75 feet of single-family zoning district)	No portion of any building within 75-feet of a single-family district shall exceed Two stories/25-feet	Three-story portion of Buildings 1, 2 & 3 located 57-feet away from SFR district to the east	Yes, with Density Bonus waiver	Applicant is using waiver of height requirement for buildings adjacent to single-family district pursuant to SDBL
Parking	<u>RM 2,000 District Regs</u> - Units < 720-SF: 1.5 spaces (1 enclosed)	- 140 spaces in garage (60 are tandem)	Yes, per SB 1818	Project complies with parking standards pursuant to SB 1818 and

	<ul style="list-style-type: none"> - Units > 720-SF: 2.25 spaces (1 enclosed) - Guest/unit: 0.5 spaces <p>TOTAL: 179 spaces (65 enclosed)</p> <p><u>SB 1818 (SDBL) Regs.</u></p> <ul style="list-style-type: none"> - 0-1 BR units: 1 space - 2-3 BR units: 1.5 spaces - 4+ BR units: 2.5 spaces <p>TOTAL: 123 spaces</p>	<ul style="list-style-type: none"> - 11 uncovered spaces <p>TOTAL: 151 spaces</p>		SDBL
Outdoor Living Area	<ul style="list-style-type: none"> - Units with 0-1BR: 400-SF per unit - Units with 2+ BR: 400-SF per BR <p>Min. 25% as private outdoor living space</p> <p>Min. 50% as Common Open Space</p> <p>TOTAL: 73,600-SF</p>	<ul style="list-style-type: none"> - Common open space: 13,720-SF - Private open space: 12,041-SF <p>TOTAL: 22,620 SF</p>	Yes, with Density Bonus waiver	Applicant is using a waiver of minimum open space requirements pursuant to SDBL
Utility Undergrounding Requirement	City Code requires new development to place all on site utilities underground, including lines in the public Right of Way (ROW) lining the property.	Applicant will place all on site utilities underground but not those in the public ROW (American Ave)	Yes, with Density Bonus concession	SDBL grants the applicant one concession (usually financial) and the Applicant has applied that here to avoid the costs of undergrounding within the American Avenue ROW

B. General Plan Consistency - The Project includes improvements that further many General Plan goals and policies including the following:

- 1. Policy 2-2.1; Provide opportunities for a variety of housing types that respond to the needs of residents of all age ranges and incomes and located in all areas of the city.***

The Project provides much-needed residential units (townhomes) constructed at a density that permits the units to be affordable to newer homebuyers. Additionally, the Project provides 11 below market-rate units affordable to both moderate and low income households, helping meet an urgent need for affordable housing units.

- 2. Policy 2-5.1: Insist on excellence in architectural design of new construction in the City and Policy 2-11.1: Encourage a variety of***

architectural styles for new and renovated structures that reflect local architectural characteristics.

The Project includes 10 separate buildings across the approximately 3-acre site. The ten two- and three-story residential buildings feature a Spanish Colonial Revival-influenced architectural design with some of the style's hallmark architectural elements such as deeply inset windows, exposed faux-wood rafter tails and headers, balconies with (faux) wood and wrought iron, (faux) wood shutters, and terra cotta-colored concrete "S-tile" roofing. The buildings have a well-considered design that takes into account the City's architectural heritage taking cues from the City's many Spanish-colonial style buildings, including nearby homes, as well as college and institutional buildings found in the Village and on the college campuses.

3. *Policy 2-11.3: Require that new construction, additions, renovations, and infill developments be sensitive to neighborhood context and building forms and scale.*

While the Project relies on setback reductions and a height waiver to allow three-story buildings on the Project Site to be closer than 75 feet from the east property line in order to achieve the maximum allowable density, the Project is designed in a manner that is sensitive to the single-story, single-family residences to the south and east of the property. Buildings are set in between 10 to 15 feet from the rear and side yard property lines to allow for landscaping to provide a privacy buffer and visual screen for the development. The Project also retains a dense row of ficus nitida trees to provide screening between the development's eastern boundary and the adjacent single-family residential properties.

4. *Policy 5-7.1: Require that private open spaces be integrated with new development by providing "spaces in between" such as green spaces or landscapes plazas between buildings to provide relief from density and confinement of the built environment and Policy 5-7.2: Enhance the street corridor and existing spaces between buildings by incorporating small green areas, extensive landscaping and street trees.*

The Project provides a modest amount of landscaped open space for the benefit of the community's residents and visitors. All units have private patios, forecourts, or yard spaces. Central common open space area build on these private spaces to provides adequately large open spaces for relief from the busy Indian Hill Boulevard and Interstate 10 corridor context as well as safe spaces for families and children to enjoy being outdoors. These shaded spaces provide space for landscaping on the interior spaces, around the Project perimeter and along American Avenue, relating well to the street's landscaped parkways. Outside of the Project's drive aisles, spaces between the buildings are programmed and landscaped to encourage their regular use and to provide pedestrian connections between the various parts of the site.

5. *Policy 8-2.1: Require all new development to complement and respond to the established character of the neighborhood in which it is located.*

The Project's site planning and architecture provide an appropriate transition between the freeway-oriented commercial uses located to the north and west and the single-family detached homes to the east and south by orienting its larger buildings towards the north and west and siting the smaller, two-story residential units to the east. The Project also utilizes landscaping to mitigate potential impacts relating to privacy and the adjacency of taller buildings to the existing single-family neighborhoods responding appropriately to neighborhood context through building siting and landscape design.

6. *Policy 8-3.1: Provide for sites that can facilitate and encourage the development of a variety of housing consistent with the City's identified local needs and its regional housing responsibilities.*

The proposed Project directly facilitates the creation of new housing units on a vacant, underutilized site to help meet the City and State's targets for new housing production. The Project achieves a moderately high density, given Claremont's suburban context, to provide diversity to the City's for-sale housing stock. Additionally, the Project provides units affordable to low- and moderate-income households. The Project clearly meets the City's regional housing responsibilities by building the units in the same density that is contemplated in the City's General Plan Housing Element for this property, which is also identified as a Housing Opportunity Site in the recently adopted 2021-2029 Housing Element Update.

7. *Policy 8-3.2: Allow mixed-use development as a means of providing housing near commercial services; and Policy 8-4.2: Encourage development of new housing in proximity to public services, transportation routes, and other community facilities.*

The Project provides housing in close proximity to a wide variety of commercial services and develops a conspicuously vacant property directly adjacent to one of the City's primary commercial areas. The new housing is relatively dense and provides 70 new housing units within easy walking distance of commercial services. While further than these local services, a number of schools, parks and bus transit lines are located within a one-half mile radius of the Project.

8. *Policy 8-3.4: Promote economically diverse neighborhoods by encouraging mixed-income housing developments.*

The Project is subject to the City's Inclusionary Housing Ordinance and includes 4 for-sale units affordable to low-income households and 7 for-sale units affordable to moderate-income households that are distributed throughout the Project site. The remaining 59 units will be market rate, but compared to

much of the City's other housing stock, it will be more affordable for newer homebuyers due to the density of the Project.

- 9. *Policy 8-3.9: Use financial incentives and regulatory concessions to encourage the development of lower- and moderate-income housing and Policy 8-3.11: Encourage affordable housing to be distributed throughout the City to create economically diverse neighborhoods and to minimize concentrated impacts on the schools in areas of the City with existing affordable housing.***

As noted above, the Project is subject to the City's Inclusionary Housing Ordinance which requires that 15% (10% Moderate + 5% low) of the base units be below market-rate units that are distributed in market rate housing projects developed in all parts of the City.

- C. Compatibility of Form with Surrounding Development** – The Project generally complies with or exceeds the minimum requirements of the RM 2,000 district, except where the provisions of State Density Bonus Law allow for additional density and reductions in or waivers of development standards, such as setbacks and open space. As designed, the Project is granted a 5% increase in density from 22 dwelling units per acre (DUA) to 23.3 DUA. In order to achieve this density, state law allows the Project to include one concession (which the Project is using to avoid the costs of undergrounding off-site utility lines), unlimited waivers of development standards (for which the Project proposed waiver of three development standards that cannot be met at the contemplated density), and reduced parking requirements that are allowed in State Density Bonus Law. Given the allowances under State Density Bonus Law, the Project has been designed in a way that meets the intent of the RM 2,000 zone and the proposed development appears to be physically suitable for the approximately 3-acre site. The Project provides for relatively dense, much-needed housing, adequate common and private open space areas, and easy vehicular circulation from American Avenue.

The Project design will not unduly interfere with or visually dominate the established development pattern of the surrounding area, as the residential project is designed to be compatible with and have a positive impact on the surrounding neighborhood or uses. The Project provides both a spatial buffer (15' setback) and visual buffer (dense ficus nitida hedge) between the Project's buildings and single-family residences to the east. The project's easternmost buildings step down to two stories within 57 feet of the adjacent residences to the east. The larger three-story buildings have been set back in order to allow for visual relief as well as space for tall shrubs and trees to provide visual relief for these buildings and the adjacent commercial properties or residences that are located south across American Avenue. Visual impacts are further minimized through architectural design elements such as variations in rooflines, massing, wall projections, materials, and landscaping. While the proposed development is denser than most nearby residential neighborhoods, the Project is permitted for

this site under the RM 2,000 zoning plus the state mandated density bonus that is being requested by the applicant.

D. Compatibility of Quality with Surrounding Development – The new buildings introduce high-quality materials and Art Spanish Revival detailing inspired by and complementary to nearby residences and businesses as well as many of Claremont's most iconic buildings (Depot, City Hall, Scripps College, Garner House). Architectural elements were specifically chosen to emphasize the Spanish identity, such as S-tile roofing, open eaves with exposed rafter tails, accent bay windows, window trim, accent awnings, wrought iron accents, recessed windows, and corbels. In addition, the proposed window and door locations and proportions consisting primarily of single-hung vertically oriented windows reflect historic fenestration patterns found on Spanish architecture throughout Claremont.

E. Internal Consistency of Design – The design treats all sides of each building in a consistent manner, carrying a number of the design's Spanish architectural character-defining features around all elevations.

F. Privacy – The proposed Project will respect the privacy of adjacent residential properties to the greatest extent possible by:

1. Setting back the Project's buildings appropriate distances including approximately 57 feet between any three-story portion of a building and the adjacent Single family homes to the east;
2. Provides both a spatial buffer (15' setback) and visual buffer (dense ficus nitida hedge) between the Project's two-story buildings and single-family residences to the east.
3. Providing an increased setback (10 feet) for additional landscaping and trees to help further screen the Project along its west and north property lines; and
4. Eliminating the third story windows on the east facing elevations of all buildings within 75 feet of the east property line.

G. Internal Circulation – The site plan and design of the project provide for adequate and safe vehicular, pedestrian, and bicycle circulation as:

1. The Project includes private drives designed to provide adequate vehicular access onto the property, and to each garage and onsite parking space. The design of the primary drive that connects internal private drives to American Avenue includes 26 feet of paved area for autos flanked by five-foot-wide sidewalks on both sides. The drives are designed to provide appropriate widths to accommodate minimum distance for vehicles to safely maneuver the site and provide access to nearby public roadways. The design of these access drives has been reviewed and approved by the Los Angeles County Fire Department as adequate for fire trucks to circulate within the development. The primary drive connects the entire development to American Avenue which is a public street that is adequate to carry the type and quantity of traffic generated by the Project based on the conclusions of the Traffic Engineer that prepared the Traffic Study for the Development. In addition, the traffic study found that

traffic generated by the project will not significantly impact the level of service for nearby streets and intersections.

2. Pedestrian circulation within and around the Project is accommodated by the provision of private sidewalks, courtyard/pedestrian pathways, and internal private walkway connections. These pathways are designed to connect with and link to the adjacent public sidewalk and pedestrian pathway network. There are three connections between the private sidewalk network and adjacent public sidewalk as well as 20 private walks connecting the front doors of all units fronting American Avenue to the public sidewalk.
3. Bicycles are integrated into the Project buildings with internal bicycle storage for residents within the individual garages for the residential units.

H. Sustainability - The development will be energy and water efficient and will be required to comply with current building, energy, and onsite stormwater drainage requirements. Landscaping will meet Claremont's Water Efficient Landscape requirements and the majority of plantings will be drought tolerant. Onsite storm water will be collected within existing onsite underground collection devices. The Project is also subject to the new energy conservation and healthy interior air quality requirements of California's green building code. In addition, solar energy will be available to each homeowner as required by the newly adopted State law for new residences. A detailed description of the sustainable development features of the Project has been included in the staff report. The developer has also committed to making the project all electric to take advantage of the rooftop solar. No gas will be provided and all garages will be pre-wired for electric vehicle chargers.

Finally, the discharge of waste from the proposed building 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 annex to the Los Angeles County Sanitation District and hook up to the local sanitary sewer system.

I. Tree Preservation – No trees are proposed to be removed from the site. The majority of the private trees on the site are the new ficus nitida trees recently planted near the eastern property line. These trees will be retained and protected in place. Should any of these trees be damaged during construction the developer will be required to replace those trees with mature specimens of the same variety.

Once complete, the project will be generously landscaped, providing many new trees along the project perimeter as well as in the interior open spaces as well as new shrubs and ground covers. Total biomass on the site will be substantially higher than what has existed on the site for the last 50 years.

J. Light and Air - The proposed development will not unreasonably impinge on neighbors' existing access to light or use of prevailing winds for natural ventilation

or cast a shadow over an existing solar energy system (active or passive), as the new buildings are set back from adjacent properties and are designed to avoid large continuous building masses along the interior property lines. The design of the buildings allows adequate solar access to meet passive heating and cooling design requirements.

K. Environmental Protections – As described above in Section 2, the proposed improvements were fully analyzed and the Director of Community Development as concluded that the project is exempt from CEQA. Therefore, no further environmental review is necessary pursuant to CEQA. In addition, the Project has been designed to incorporate several sustainable features.

L. Health and Safety – The visual effect of the development from view from the public streets will not be detrimental to the public interest, health, safety, convenience, or welfare, in that:

1. The Project is designed to meet all applicable building, safety, and traffic visibility codes. All construction and public improvements will be performed per the requirements of all applicable codes, including the zoning and building codes; and
2. The new buildings and landscaping will enhance the visual appearance of the site, which is currently occupied by a large vacant area and underutilized tennis courts.

SECTION 4. Contingent on the City Council approving Tentative Tract Map #84564, the Architectural and Preservation Commission hereby approves Site Plan and Design Review File 23-A10, subject to the following conditions:

PLANNING/BUILDING DIVISION CONDITIONS

This design approval shall expire two years following the City Council approval date, if the final map has not been recorded. The expiration date may be extended upon written request by the Applicant on a City application form. The request must be received at least 30 days prior to the expiration of the application. The expiration of the design approval shall be tolled during any period in which a legal challenge is pending on the City's approval of the Tentative Tract Map or the associated CEQA determination.

Failure to comply with any conditions of approval shall be deemed just cause for reconsideration of Project approvals by the City.

A. Prior to issuance of building permits, the Applicant shall:

1. Work with City staff and a subcommittee of the Architectural and Preservation Commission to finalize the landscape plant palette and planting plan to provide a dense landscape buffer around the perimeter of the project as well as the interior open spaces. The Applicant shall utilize trees and shrubs with low emittance of ozone forming gasses especially those that have a positive effect on reducing the

presence of ozone forming pollutants in the air at the project site. Plants should also include species known for higher levels of carbon sequestration.

2. All trees throughout the Property and the dense landscape barrier along the eastern boundary of the Property (currently a dense row of young ficus nitida trees) shall be continuously maintained and protected in place. Should any of these trees or plant materials in the landscape barrier be damaged, become diseased, or die, they shall be replaced with mature specimens of the same variety.
3. Submit construction drawings that fulfil the Applicant's commitments to create a Project that includes rooftop solar, zero natural gas, and prewiring for 240-volt EV charging with a minimum amperage of 30 amps for the circuit.
4. Submit final working drawings of the site that are in substantial compliance with the final Site Plan, architectural design, exterior lighting, materials and colors contained in this approval.
5. Ascertain and comply with all requirements of the City's Building and Engineering Divisions, including the submittal of complete Planning, electrical, mechanical, and structural plans duly wet stamped and signed by a licensed architect or engineer. The construction documents submitted for plan check shall be in substantial conformance with the Architectural and Preservation Commission approval as well as show compliance with all applicable ADA related items. ADA improvements will need to show compliance with access to normal paths of travel, and where necessary to provide access, shall incorporate pedestrian ramps, curbs, etc. Access shall be provided within the boundary of the site from public transportation stops, accessible parking spaces, passenger loading zones, and public streets and sidewalks.
6. Ascertain and comply with the requirements of the Los Angeles County Fire Department.
7. Secure approval of the design and location for any new green waste/organics waste enclosures from the Community Services Director. Construction plans for the proposed enclosures must be submitted prior to issuance of a building permit for the Project.
8. Submit applicable materials to show compliance with the state Water Efficient Landscape Ordinance (WELO).
9. Submit a compaction report.
10. Pay all applicable permit and development fees including, but not limited to, fire facility, school, and plan check fees, as established by City ordinances and resolutions.

11. Pay any/all outstanding development review fees related to Planning and Site Plan Review Files #23-A10 and TTM 84564.
12. Provide detailed acoustical noise analysis/study to the Planning and Building Divisions prior to issuance of building permits for new buildings once design approval for the Project has been secured. The noise analysis/study shall outline how noise insulation requirements of the State Building Code, Title 24, and noise requirements of the Claremont Municipal Code for the RM 2000 zoning district will be met or exceeded. The analysis/study shall include specific measures that would achieve the required levels, including required window glazing, construction techniques, added insulation, etc.
13. Secure approval of a disposal plan for the construction/demolition (C&D) waste from the Claremont Community Services Department. The plan shall demonstrate diversion of materials from the landfill, which will meet or exceed the City's construction and demolition debris recycling rate of 90%. The plan shall include:
 - a. Estimated tons of material to be disposed of in landfills.
 - b. Estimated tons of material to be diverted from landfills by material type.
 - c. The hauler to be used.
 - d. The name, address, and phone number of the disposal and recycling facilities to be used; and
 - e. Copies of the facility permits from the California Department of Resources, Recycling, and Recovery.
 - f. The contractor may dispose of C&D waste in one of the two following ways:
 - i. Contractor may haul material to a recycling facility using vehicles owned and operated by the contractor. In no circumstances shall the contractor haul any waste to a landfill; or
 - ii. Contractor may utilize the City's solid waste collection service. Under no circumstances shall a private hauler be used to transport material to any facility in violation of the Claremont Municipal Code.

Should the contractor C&D waste plan not be able to achieve a 90% or higher diversion rate, the City's solid waste collection service shall be used.

B. Prior to the issuance of the Certificate of Occupancy, the Applicant shall:

1. Install all approved exterior lights (soffit, step lights, streetlights, pathway bollards, etc.) associated with the building, driveways, pathways, and landscape plan.
2. Install landscape materials in accordance with an approved landscaping plan on file with the Planning Division. All new plant materials shall be disease-free and shall be in vigorous condition at the time of installation.

3. Install all bike racks and transportation demand management (TDM) measures per applicable code requirements.
 4. Place underground all existing on-site overhead wires and existing utility poles serving the improvement. Undergrounding of utility lines shall extend to an existing power pole or other off-site point of connection in accordance with the requirements of Chapter 16.151 and Section 17.016.060 of the Claremont Municipal Code. This condition does not apply to the existing overhead utility lines located along the American Avenue frontage as the requirement for undergrounding those utilities has been claimed as the Project's one concession that is allowed by State Density Bonus Law.
 5. Obtain City approval of the Project's Covenants, Conditions, and Restrictions (CC&R's), which shall include requirements for the use of on-site resident and guest parking spaces (including a requirement that garages be used for parking of vehicles), the use of the outdoor spaces, private patios and decks, maintenance of the public art and public parkway landscaping in front of the Project, and continuous maintenance of a dense landscape barrier along the eastern boundary of the Project (currently a dense row of young ficus nitida trees).
 6. Gain City approval of any related disclosure documents that will be distributed to all buyers of units in the Project. These documents shall include disclosures that each residential unit is limited to two cars to be parked in the private garage associated with the unit, that the on-site uncovered parking spaces are intended for guests and not for additional cars for individual units. Disclosures must also include a description of the City's restriction on overnight parking on City Streets.
 7. Provide a plan for approval by the Director of Community Development for the safe transition between the property line and any remnant of the existing tennis court that is currently located on both the Project site and 860 South Indian Hill Boulevard, which is currently occupied by the Chevron/McDonald's development. Finished condition should be safe for passersby and not create drainage, vector nuisances, or other safety concerns.
 8. Gain approval from the City's Public Art Committee for the proposed public art piece to be located near the American Avenue frontage of the Project.
- C. Prior to the release of any 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.
- D. The Applicant shall ensure that the following measures are honored during all construction related activities for the Project:
1. The hours of construction operation are limited to 7:00 a.m. to 8:00 p.m., Monday-Saturday, as in effect in the Claremont Municipal Code. No construction activities are allowed on Sundays and National holidays.

2. Staging areas shall be located away from existing residential structures.
 3. All construction equipment shall use properly operating and maintained mufflers.
 4. During the course of all on-site grading and construction activity, the Applicant shall employ adequate dust control measures in accordance with the Uniform Building Code, SCAQMD, and City requirements to minimize fugitive dust.
 5. Compliance with the requirements of the Migratory Bird Treaty Act and California Fish and Game Code, to protect against construction activities to affect breeding or reproduction of bird and/or raptor species on or adjacent to the site. These may include, but are not limited to, completing wildlife surveys prior to the start of construction, establishing buffer zones around bird nesting sites, and discontinuing construction in areas that impact protected species.
- E. To ensure compliance with the provisions of this Architectural and Preservation Commission approval, a final inspection is required from the Planning Division when work has been completed. The Applicant shall inform the Planning Division and schedule an appointment for such an inspection.
- F. Upon final inspection, the City will commence a 30-day lighting level review of all exterior lights including building lights, streetlights, driveway lights, pathway lights, and landscape lights. If illumination levels, glare, or other applicable issues are found to be excessive, the Applicant will be directed to modify the lighting as necessary to achieve acceptable lighting levels.
- G. 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.
- H. 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.
- I. 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 5. The Architectural and Preservation 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 14th day of May, 2025.

Architectural and Preservation Commission Chair

ATTEST:

Architectural and Preservation Commission Secretary