

ORDINANCE NO. 2024-03

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF CLAREMONT, CALIFORNIA, ADOPTING A CODE AMENDMENT AND ZONE CHANGE (#21-Z01) TO IMPLEMENT THE REVISED 2021-2029 HOUSING ELEMENT UPDATE AND FINDING THAT THE CODE AMENDMENT AND ZONE CHANGE ARE CONSISTENT WITH THE PREVIOUSLY CERTIFIED FINAL ENVIRONMENTAL IMPACT REPORT FOR THE HOUSING ELEMENT UPDATE (STATE CLEARINGHOUSE #2021090340)

WHEREAS, in accordance with Government Code Section 65580 et seq. (the State “Housing Element Law”) and Chapter 16.315 of the Claremont Municipal Code, the City Council of the City of Claremont (“City Council”) initiated the preparation of the proposed Zoning Code Amendment and Zone Change (#21-Z01) to provide new zoning and development standards for certain Opportunity Sites identified in the City’s Housing Element for the sixth cycle (2021-2029 planning period) to plan for the provision of housing accessible to all income categories (the “2021-2029 Housing Element Update” or “HEU”); and

WHEREAS, consistent with State Housing Element Law and Chapters 16.315 and 16.409 of the Claremont Municipal Code, the proposed Zoning Code Amendment and Zone Change (#21-Z-01) are needed to:

- A. Amend the City of Claremont Official Zoning Map to rezone and/or add overlay districts for certain Housing Element Opportunity Sites (see Section 4 below and Exhibit 1 hereto);
- B. Repeal Claremont Municipal Code Chapter 16.014 – HDR High Density Residential Overlay District and replace it with Chapter 16.014 – Housing Opportunity Site Overlay (see Section 5 below);
- C. Add a new Chapter 16.015 – ADU-Ready RS 10,000 Overlay (see Section 6 below);
- D. Amend Chapter 16.081 – SP Specific Plan Districts (see Section 7 below);
and

WHEREAS, the process the City underwent between September of 2021 and June of 2024 to prepare and adopt its 2021-2029 Housing Element Update (July 11, 2023) and revised 2021-2029 Housing Element Update (June 25, 2024) are outlined in more detail in the recitals to City Council Resolution No. 2024-35, which the City Council adopted June 25, 2024 concurrently with the introduction and first reading of this Ordinance; and

WHEREAS, in accordance with the California Environmental Quality Act, Public Resources Code Section 21000 et seq. (“CEQA”), the City’s professional planning staff and the City’s environmental consultant (Rincon Consultants, Inc.) prepared an environmental impact report, State Clearinghouse No. 2021090340 (the “EIR”) to identify,

disclose, and evaluate the potential environmental impacts of the draft 2021-2029 Housing Element Update and its implementing actions; and

WHEREAS, this EIR process included: completing an initial study in September of 2021; releasing a Notice of Preparation (“NOP”) on September 17, 2021; opening a 30-day public review period on the anticipated EIR from September 17, 2021 through October 18, 2021; holding an EIR scoping meeting (via Zoom) on September 29, 2021; preparing a draft EIR and five appendices (the “DEIR”); releasing a Notice of Availability (“NOA”) on the DEIR on January 27, 2022; circulating the DEIR for public review for at least 45 days from January 27, 2022 through March 14, 2022; preparing a final EIR consisting of: an introduction, responses to the comment letters on the DEIR, amendments to the DEIR, and a Mitigation Monitoring and Report Program (collectively, the “FEIR”); making the FEIR available for public review on the City’s website (with printed copies available upon request) starting on June 1, 2023; preparing proposed CEQA findings of fact and a proposed statement of overriding considerations for the EIR and making these documents available for public review on the City’s website (with printed copies available upon request) starting on June 1, 2023; and

WHEREAS, on September 16, 2022, Californians for Homeownership filed a petition for writ of mandate against the City because the City had not yet adopted a Housing Element Update for the sixth planning cycle (*Californians for Homeownership v. City of Claremont*, Los Angeles County Superior Court Case No. 22STCP03414) (the “Housing Element Legal Action”); and

WHEREAS, on January 3, 2023, the Court in the Housing Element Legal Action entered a stipulated judgment that outlined a mandatory schedule for adoption of the 2021-2019 Housing Element Update, and per that schedule, the City Council for the City of Claremont was required to approve a 2021-2019 Housing Element Update by July 31, 2023 (the “Judgement”); and

WHEREAS, the Judgement further orders that “Consistent with Government Code section 65759, the City shall be exempt from compliance with CEQA in connection with all of the actions it is required to undertake pursuant to the preceding paragraphs [i.e., adoption of the 2021-2029 Housing Element Update], if it complies with the requirements of Section 65759”; and

WHEREAS, on July 11, 2023, the City Council of the City of Claremont conducted a duly-noticed public hearing on the draft of the 2021-2029 Housing Element Update, and after segmenting votes on the inclusion of Opportunity Sites Numbers 4, 23a, 23b, and 27 (Mayor Reece recused), 13, 14, and 17 (Mayor Pro Tempore Medina recused), and 35 and 37 (Councilmember Leano recused) pursuant to Section 18706 of Title 2 of the California Code of Regulations, the City Council voted 3-2 (Mayor Reece and Councilmember Calaycay opposed) to adopt Resolution No. 2023-47 approving the 2021-2029 Housing Element Update and certifying the EIR; and

WHEREAS, on July 11, 2023, the City Council also provided direction to City staff to work with the California Department of Housing and Community Development (“HCD”) to explore certain revisions to the 2021-2029 Housing Element Update; and

WHEREAS, in April of 2024, the City made a revised draft of the 2021-2029 Housing Element Update available for public review on the City's website (which is titled "Public Review Draft #4.1," dated April 2024, and identified on the City's website by hyperlink titled "Claremont Housing Element V4.1"); and

WHEREAS, on April 30, 2024, HCD issued a letter confirming the revised draft 2021-2029 Housing Element Update meets all of the statutory requirements of State Housing Element Law; and

WHEREAS, on June 4, 2024, the Planning Commission held a duly noticed public hearing on the revised draft 2021-2029 Housing Element and its implementing actions, which include the proposed Code Amendment and Zone Change (#21-Z01); and

WHEREAS, on June 4, 2024, the Planning Commission also considered an alternate option to recommend the City Council retain its July 11, 2023 approval of the 2021-2029 Housing Element Update and adopt associated implementing actions (including alternate versions of the proposed Zoning Code Amendment and Zone Change); and

WHEREAS, on June 4, 2024, the Planning Commission considered all information presented by the Community Development Department, including but not limited to, the revised draft 2021-2029 Housing Element, the implementing actions, the DEIR, the FEIR, and all other documents and information referenced in the Planning Commission's draft approval Resolution, and information and testimony provided by members of the community (both written and verbal) in connection with the public hearing held on June 4, 2024; and

WHEREAS, on June 4, 2024, the Planning Commission voted 5-0-2 (Commissioners Alvarez and Gonzalez absent) to approve Planning Commission Resolution No. 2024-05 recommending the City Council adopt the revised draft 2021-2029 Housing Element and its implementing actions (including this Zoning Code Amendment and Zone Change); and

WHEREAS, on June 4, 2024, the Planning Commission also recommended the City Council find the revised draft 2021-2029 Housing Element and its implementing actions (including this Zoning Code Amendment and Zone Change) are consistent with the Final Environmental Impact Report (State Clearinghouse #2021090340) certified by the City Council on July 11, 2023, through the adoption of Resolution 2023-47; and

WHEREAS, on June 4, 2024, the Planning Commission also recommended the City Council further find that the previously-certified FEIR went above and beyond the requirements of Section 65759 of the California Government Code because the 2021-2019 Housing Element Update and its implementing actions (including this Zoning Code Amendment and Zone Change) are needed to bring the City's General Plan into compliance with a court order (i.e., the Judgment in the Housing Element Legal Action), and in accordance with Government Code Section 65759, the City prepared an initial study for the 2021-2019 Housing Element Update and an environmental assessment that substantially conforms to the required content for a draft environmental impact report (i.e.,

the City prepared a full EIR), and the City circulated a notice of preparation of the EIR for the HEU; and

WHEREAS, on June 25, 2024, the City Council held a duly-noticed public hearing on this Ordinance and its proposed Zoning Code Amendment and Zone Change (#21-Z01); and

WHEREAS, at the same time as the first reading of this Ordinance, on June 25, 2024, the City Council concurrently held a duly-noticed public hearing on the revised draft 2021-2029 Housing Element and its other implementing actions (i.e., changes to the Land Use Plan and Land Use Element of the City's General Plan); and

WHEREAS, at the June 25, 2024, public hearing, the City Council fully studied and considered all information presented by the Community Development Department, including but not limited to:

- A. The City Council's agenda report for the June 25, 2024, public hearing on the eighth draft 2021-2029 Housing Element Update ("Agenda Report");
- B. Planning Commission Resolution No. 2024-05;
- C. The revised 2021-2029 Housing Element Update that was (and still is) available on the City's website and is included with City Council Resolution No. 2024-35 as Exhibit 1, attached thereto and incorporated therein as if set forth in full;
- D. The revised 2021-2029 Housing Element Opportunity Sites Mapbook (updated January 2024) that was (and still is) available on the City's website at the following link: <https://www.ci.claremont.ca.us/living/draft-housing-element>, incorporated herein as if set forth in full;
- E. The proposed Zoning Map attached hereto as Exhibit 1 and incorporated herein as if set forth in full;
- F. The proposed Zoning Code Amendments set forth in Sections 5, 6, and 7 of this Ordinance;
- G. The DEIR that was (and still is) available at the City website at the following link: <https://www.ci.claremont.ca.us/living/draft-housing-element>, incorporated herein as if set forth in full;
- H. The FEIR that was (and still is) available on the City's website and was included in the City Council's July 11, 2023 Agenda Report as Attachment D;
- I. The proposed mitigation monitoring and reporting program that was included in the FEIR (part of Attachment D to the City Council's July 11, 2023 Agenda Report);
- J. The proposed CEQA findings of fact and statement of overriding considerations that were included in the City Council's July 11, 2023 Agenda Report as Attachment E;

- K. The staff presentation at the City Council's June 25, 2024, public hearing on the draft 2021-2029 Housing Element Update and its implementing actions;
- L. All public comment received before and during the City Council's June 25, 2024, public hearing on the HEU and its implementing actions, which included written correspondences and verbal testimony in-person;
- M. The judgement in the Housing Element Legal Action; and
- N. All other documents and information referenced in the City Council's June 25, 2024 Agenda Report and provided by City staff and interested parties at a public hearing held on June 25, 2024.

NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF CLAREMONT, CALIFORNIA, DOES HEREBY ORDAIN AS FOLLOWS:

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

SECTION 2. Findings and Determinations. Based upon substantial evidence in the record, the City Council finds and determines that, with the adoption of the revised 2021-2029 Housing Element Update and its other implementing actions, this Zoning Code Amendment and Zone Change are consistent with the City's General Plan. Indeed, the City Council finds and determines that this Zoning Code Amendment and Zone Change are needed to ensure the City's Zoning Code and Zoning Map remain consistent with the Housing Element, Land Use Element, and Land Use Plan of the City's General Plan.

SECTION 3. CEQA. The City Council certified a Final Environmental Impact Report (FEIR) (State Clearinghouse #2021090340) for the sixth draft of the 2021-2029 Housing Element Update adopted in July 2023. The FEIR also considered the implementing actions, including this Zoning Code Amendment and Zone Change as part of the environmental analysis. In accordance with CEQA Guidelines Section 15094, the City filed a notice of determination (NOD) with the Governor's Office of Planning and Research and County Clerk on July 17, 2023.

The revised HEU that the City Council adopted on June 25, 2024, contemplates changing the zoning for existing Opportunity Sites 41 through 44 to a new ADU-Ready RS 10,000 Overlay and adds seven new Opportunity Sites (i.e., Sites 46 through 52), which will also have the new ADU-Ready RS 10,000 Overlay. All of the new Opportunity Sites except one (Site 44) are currently vacant but are surrounded by urban, residential development.

With the ADU-Ready RS 10,000 Overlay, Opportunity Sites 41 through 52 have the potential to accommodate substantially the same number of units as the North Claremont Opportunity Sites that were included in the sixth draft of the HEU that the City Council adopted July 11, 2023 (i.e., Opportunity Sites 41 – 44). No other Opportunity Sites have been modified since the City Council adopted the sixth draft of the HEU in July

2023. There have been no changes to the locations, densities, or anticipated unit yields of Opportunity Sites 1 through 40.

With the changes to the previously-included Opportunity Sites (i.e., Sites 41 – 44) and the addition of seven new Opportunity Sites (i.e., Sites 46 – 52), the overall sites capacity (or the total number of potential housing units) Citywide is reduced from 1,714 total potential units in the adopted HEU (as analyzed in the FEIR) to 1,695 total potential units in connection with the revised HEU. In other words, the FEIR analyzed the impacts of a slightly more intensive project (i.e., a project with 19 more units or approximately 1% more units). Although the FEIR did not specifically evaluate the new ADU-Ready RS 10,000 Overlay, the new Overlay is comparable to the zoning analyzed in the FEIR because the Overlay would accommodate substantially the same number of potential units as what is planned for in the adopted HEU. In both versions of the HEU, Opportunity Sites in North Claremont are primarily on vacant properties in the near vicinity of each other.

CEQA Guidelines Sections 15162 and 15164 set forth criteria for determining the appropriate additional environmental documentation, if any, to be completed when a project has a previously certified EIR. None of the conditions described in Section 15162 calling for preparation of a subsequent EIR have occurred. CEQA Guidelines Section 15162(a) states that no Subsequent or Supplemental EIR shall be prepared for a project with a certified EIR unless the lead agency determines, based on substantial evidence in the light of the whole record, one or more of the following:

- A. Substantial changes are proposed in the project that will require major revisions of the previous EIR due to the involvement of new significant environmental effects or a substantial increase in the severity of previously identified significant effects.
- B. Substantial changes occur with respect to the circumstances under which the project is undertaken which will require major revisions of the previous EIR due to the involvement of new significant environmental effects or a substantial increase in the severity of previously identified significant effects.
- C. New information of substantial importance, which was not known and could not have been known with the exercise of reasonable diligence at the time the previous EIR was certified as complete, shows any of the following:
 - I. The project will have one or more significant effects not discussed in the previous EIR.
 - II. Significant effects previously examined will be substantially more severe than shown in the previous EIR.
 - III. Mitigation measures or alternatives previously found not to be feasible would, in fact, be feasible and would substantially reduce one or more significant effects of the project, but the project proponents decline to adopt the mitigation measure or alternative.

- IV. Mitigation measures or alternatives that are considerably different from those analyzed in the previous EIR would substantially reduce one or more significant effects on the environment, but the project proponents decline to adopt the mitigation measure or alternative.

In this case, the City Council finds that this Zoning Code Amendment and Zone Change are all fully within the scope of the existing previously certified EIR. To reiterate, the changes to the HEU and its implementing actions result in a net decrease in the number of potential housing units (from 1,714 analyzed in the FEIR to 1,695 in the revised HEU). If fully implemented, the revised HEU will be less impactful than full implementation of the HEU that was analyzed in the certified FEIR. Although there are new sites on the housing opportunity site list, the environmental impacts related to future development facilitated by the Housing Element on these sites has been adequately addressed in the EIR, and no substantial revisions are necessary. This is not considered to be significant new information resulting in any new environmental impacts or a substantial increase in the severity of any impacts identified in the Final EIR.

The information provided above substantiates and supports the City's determination that this Zoning Code Amendment and Zone Change are all within the scope of the certified EIR, do not require subsequent action under CEQA Guidelines Section 15162, and, in conjunction with the EIR, have been adequately analyzed for potential environmental impacts.

In addition, the City Council finds and determines this Zoning Code Amendment and Zone Change are needed to bring the City's General Plan into compliance with a court order (i.e., the Judgment in *Californians for Homeownership v. City of Claremont*, Los Angeles County Superior Court Case No. 22STCP03414). The City Council finds and determines that, by preparing and certifying an EIR, the City has exceeded the requirements of Government Code Section 65759. Pursuant to Government Code Section 65759(a)(1), this Zoning Code Amendment and Zone Change actions are not subject to CEQA.

SECTION 4. Adoption and Approval of Zone Change. Subject to Section 8 below, in accordance with Chapters 16.315 and 16.409 of the Claremont Municipal Code, and based upon evidence presented, both written and oral testimony, and the above recitals and findings, the City Council hereby amends the City of Claremont Official Zoning Map as set forth in Exhibit 1 to this Ordinance, incorporated herein as if set forth in full.

SECTION 5. Adoption and Approval of Amendment to Chapter 16.014. Subject to Section 8 below, in accordance with Chapters 16.315 and 16.409 of the Claremont Municipal Code, and based upon evidence presented, both written and oral testimony, and the above recitals and findings, the City Council hereby repeals Chapter 16.014 (HDR High Density Residential Overlay District) of the Claremont Municipal Code in its entirety and replaces it with a new Chapter 16.014 (Housing Opportunity Site Overlay) as set forth below:

CHAPTER 16.014 HOUSING OPPORTUNITY SITE OVERLAY

16.014.000 INTENT

The intent of this chapter is to implement policies and actions set forth in the City of Claremont General Plan’s Sixth Cycle Housing Element Update relating to the provision of a mix of housing types, including higher density residential housing that offers housing opportunities to all economic segments of the community while promoting and fortifying community character and vitality. The standards and requirements of this chapter are intended to work in concert with Objective Design Standards for multiple-family residential and mixed-use development called for in the Sixth Cycle Housing Element Update. Together, this chapter and Objective Design Standards shall set forth a regulatory framework for the orderly development of multiple-family residential and mixed-use properties in a manner that provides a desirable living environment for a wide range of residents in a manner that is sensitive and compatible with surrounding development through the provision of high-quality architecture, thoughtful site planning, and sufficient amenities.

16.014.010 APPLICABILITY

This chapter shall apply to all land in the four Housing Opportunity Site Overlay Districts, as set forth in Section 16.014.010, and as depicted on the City of Claremont Zoning Map on file with the Planning Division. Any and every building containing residential units, the premises and land on which the building is located shall be used and occupied, and every building shall be erected, constructed, established, altered, enlarged, maintained, moved into or within the Housing Opportunity Site Overlay Districts only in accordance with the applicable sections of this chapter and regulations of this title.

16.014.020 DEVELOPMENT PERMITTED

- A. This chapter establishes the following four Housing Opportunity Site Overlay Districts:
 - 1. MFR 30 Overlay – Multiple-Family Residential with a maximum allowable residential density of 30 dwelling units per acre.
 - 2. MFR 60 Overlay - Multiple-Family Residential with a maximum allowable residential density of 60 dwelling units per acre.
 - 3. MU 30 Overlay – Mixed-Use Residential and Commercial with a maximum allowable residential density of 30 dwelling units per acre.
 - 4. MU 60 Overlay – Mixed Use Residential and Commercial with a maximum allowable residential density of 60 dwelling units per acre.

- B. The only uses and development permitted in the Housing Opportunity Site Overlay Districts are those uses and developments permitted in the underlying land use district, along with:
 - 1. Multiple-family residential structures, and associated accessory buildings, and related recreational and community facilities for the use of the residents of the development. Multiple-family residential structures may be permitted

as townhomes, condominiums, apartment buildings, and mixed-use residential and commercial buildings. Residential development in the Housing Opportunity Site Overlay Districts shall have a minimum density of no less than 20 dwelling units per acre.

16.014.030 DEVELOPMENT STANDARDS

A. The development standards in Table 16.014.1 shall apply to properties in the MFR 30 Overlay District:

Table 16.014.1 – MFR 30 Overlay District

Density	
Maximum Allowable Density	30 units per acre
	1 unit per 1,550 SF of net lot area
<i>Note: All fractional unit calculations shall be rounded down</i>	
Average Unit Size Range	
Average unit size must fall within this range:	1,000 – 1,200 SF
<i>At least 10% of all project units shall have three or more bedrooms, except in developments specifically designed for seniors and/or by-right affordable housing developments processed in a ministerial fashion.</i>	
Setbacks	
Minimum Front Setback (Corridor)*	10-feet
Minimum Front Setback (Neighborhood)**	20-feet
Minimum Interior Side Setback	5-feet
Minimum Street Side Setback	15-feet
Minimum Rear Setback	10-feet
Minimum Interior Side Setback (Adjacent to single-family district)***	
- Building Height 18-feet or less	5-feet
- Building Height 18-28-feet	15-feet
- Building Height 28-40-feet	25-feet
- Building Height 40-feet and above	35-feet
Minimum Rear Setback (Adjacent to single-family district)***	
- Building Height 18-feet or less	10-feet
- Building Height 18 - 28-feet	15-feet
- Building Height 28 - 40-feet	25-feet
- Building Height 40-feet and above	35-feet
Height	
Maximum Allowable Height	3-stories/35-feet
Minimum Allowable Plate Height	9-feet
Parking	
Rowhouse	2 spaces + .25 guest per unit
Apartment unit (400-SF to 549-SF)	1 space + .25 guest per unit
Apartment unit (551-850-SF)	1.5 spaces + .25 guest per unit
Apartment Unit (851+-SF)	2 spaces + .25 guest per unit

Outdoor Living Area	
Studio	200-SF per unit
1-bedroom	225-SF per unit
2-bedroom	250-SF per unit
3+ bedrooms	275-SF
<i>Outdoor Living Area Standards</i>	
<ul style="list-style-type: none"> - <i>Maximum of 40% of Outdoor Living Area shall be provided as Private Outdoor Living Area</i> <ul style="list-style-type: none"> o <i>Minimum area of 40-SF per unit with minimum dimension of 5-feet in either direction</i> - <i>Minimum of 60% of Outdoor Living Area shall be provided as Common Outdoor Living Area</i> <ul style="list-style-type: none"> o <i>Minimum area of 400-SF with a minimum dimension of 15-feet in each direction</i> 	

* The Corridor minimum front setback requirement shall apply to Opportunity Sites 24, 31, 36, 37, 38

** The Neighborhood minimum front setback requirement shall apply to Opportunity Sites 1, 4, 15, 19, 35, 45

*** The minimum interior and rear setback requirements shall apply to sites where interior and/or rear property lines are shared with those of a property within a single-family zoning district.

- B. The development standards in Table 16.014.2 shall apply to properties in the MFR 60 Overlay District:

Table 16.014.2 – MFR 60 Overlay District

Density	
Maximum Allowable Density	60 units per acre
	1 unit per 775 SF of net lot area
<i>Note: All fractional unit calculations shall be rounded down</i>	
Average Unit Size Range	
Average unit size must fall within this range:	700 – 1,000-SF
<i>At least 10% of all project units shall have three or more bedrooms, except in developments specifically designed for seniors and/or by-right affordable housing developments processed in a ministerial fashion.</i>	
Setbacks	
Minimum Front Setback	15-feet
Minimum Interior Side Setback	5-feet
Minimum Street Side Setback	15-feet
Minimum Rear Setback	10-feet
Height	
Maximum Allowable Height	5-stories/60-feet*
Minimum Allowable Plate Height	9-feet
Parking	
Rowhouse	2 spaces + .25 guest per unit
Apartment unit (400-SF to 549-SF)	1 space + .25 guest per unit
Apartment unit (551-850-SF)	1.5 spaces + .25 guest per unit
Apartment Unit (851+-SF)	2 spaces + .25 guest per unit

Outdoor Living Area	
Studio	200-SF per unit
1-bedroom	225-SF per unit
2-bedroom	250-SF per unit
3+ bedrooms	275-SF
<i>Outdoor Living Area Standards</i>	
<ul style="list-style-type: none"> - <i>Maximum of 40% of outdoor living area shall be provided as Private Outdoor Living Area</i> <ul style="list-style-type: none"> o <i>Minimum area of 40-SF per unit with minimum dimension of 5-feet in either direction</i> - <i>Minimum of 60% of outdoor living area shall be provided as Common Outdoor Living Area</i> <ul style="list-style-type: none"> o <i>Minimum area of 400-SF with a minimum dimension of 15-feet in each direction</i> 	

*4th floor building footprint shall not exceed 75% of overall building footprint (excluding structured parking). 5th floor building footprint shall not exceed 60% of overall building footprint (excluding structured parking)

C. The development standards in Table 16.014.3 shall apply to properties in the MU 30 Overlay District:

Table 16.014.3 – MU 30 Overlay District

Density	
Maximum Allowable Density	30 units per acre
	1 unit per 1,500 SF of net lot area
<i>Note: All fractional unit calculations shall be rounded down</i>	
Average Unit Size Range	
Average unit size must fall within this range:	1,000 – 1,200 SF
<i>At least 10% of all project units shall have three or more bedrooms, except in developments specifically designed for seniors and/or by-right affordable housing developments processed in a ministerial fashion.</i>	
Setbacks	
Minimum Front Setback	10-feet
Minimum Interior Side Setback	5-feet
Minimum Street Side Setback	15-feet
Minimum Rear Setback	10-feet
Minimum Interior Side Setback (Adjacent to single-family district)*	
- Building Height 18-feet or less	5-feet
- Building Height 18-28-feet	15-feet
- Building Height 28-40-feet	25-feet
- Building Height 40-feet and above	35-feet
- Minimum Rear Setback (Adjacent to single-family district)*	
- Building Height 18-feet or less	10-feet
- Building Height 18-28-feet	15-feet

- Building Height 28-40-feet	25-feet
- Building Height 40-feet and above	35-feet
Height	
Maximum Allowable Height	3-stories/42-feet
Minimum Allowable Plate Height (Ground floor)	12-feet
Minimum Allowable Plate Height (Upper Floors)	10-feet
Parking	
Rowhouse	2 spaces + .25 guest per unit
Apartment unit (400-SF to 549-SF)	1 space + .25 guest per unit
Apartment unit (551-850-SF)	1.5 spaces + .25 guest per unit
Apartment Unit (851+-SF)	2 spaces + .25 guest per unit
Outdoor Living Area	
Studio	200-SF per unit
1-bedroom	225-SF per unit
2-bedroom	250-SF per unit
3+ bedrooms	275-SF
<u>Outdoor Living Area Standards</u>	
<ul style="list-style-type: none"> - <i>Maximum of 40% of open space shall be provided as Private Outdoor Living Area</i> <ul style="list-style-type: none"> o <i>Minimum area of 40-SF per unit with minimum dimension of 5-feet in either direction</i> - <i>Minimum of 60% of open space shall be provided as Common Outdoor Living Area</i> 	
Frontage	
70% minimum ground floor frontage shall be comprised of commercial uses. Commercial uses shall have an average interior depth of at least 35-feet and a minimum depth of 20-feet. Maximum 30% of ground floor frontage shall be for residential common uses.	

* The minimum interior and rear setback requirements shall apply to sites where interior and/or rear property lines are shared with those of a property within a single-family zoning district.

D. The development standards in Table 16.014.4 shall apply to properties in the MU 60 Overlay District:

Table 16.014.4 – MU 60 Overlay District

Density	
Maximum Allowable Density	60 units per acre
	1 unit per 750 SF of net lot area
Average Unit Size Range	
Average unit size must fall within this range:	700 – 1,000-SF
<i>At least 10% of all project units shall have three or more bedrooms, except in developments specifically designed for seniors and/or by-right affordable housing developments processed in a ministerial fashion.</i>	
Setbacks	
Minimum Front Setback	0-feet (At least 15-feet shall be provided between the building face and the street curb)

Minimum Interior Side Setback	5-feet
Minimum Street Side Setback	0-feet (At least 20-feet shall be provided between the building face and the street curb)
Minimum Rear Setback	5-feet
Height	
Maximum Allowable Height	5-stories/60-feet
Minimum Allowable Plate Height (Ground floor)	12-feet
Minimum Allowable Plate Height (Upper Floors)	10-feet
*4 th floor building footprint shall not exceed 75% of overall building footprint (excluding structured parking). 5 th floor building footprint shall not exceed 60% of overall building footprint (excluding structured parking)	
Parking	
Apartment unit (400-SF to 549-SF)	1 space + .25 guest per unit
Apartment unit (551-850-SF)	1.5 spaces + .25 guest per unit
Apartment Unit (851+-SF)	2 spaces + .25 guest per unit
Outdoor Living Area	
Studio	200-SF per unit
1-bedroom	225-SF per unit
2-bedroom	250-SF per unit
3+ bedrooms	275-SF
<u>Open Space Standards</u>	
<ul style="list-style-type: none"> - <i>Maximum of 40% of open space shall be provided as Private Outdoor Living Area</i> <ul style="list-style-type: none"> o <i>Minimum area of 40-SF per unit with minimum dimension of 5-feet in either direction</i> - <i>Minimum of 60% of open space shall be provided as Common Outdoor Living Area</i> <ul style="list-style-type: none"> o <i>Minimum area of 400-SF with a minimum dimension of 15-feet in each direction</i> 	
Frontage	
70% minimum ground floor frontage shall be comprised of commercial uses. Commercial uses shall have an average interior depth of at least 35-feet and a minimum depth of 20-feet. Maximum 30% of ground floor frontage shall be for residential common uses.	

E. Outdoor Living Area

1. General Requirements

- a. Outdoor living area may be located within required rear and interior side setback areas. Space includes but is not limited to courtyards, terraces, forecourts, gardens, outdoor dining areas, plazas, landscaped areas, patios, swimming pools, barbeque areas, athletic courts or fields, playgrounds, recreation areas, gardens, rooftop amenities, and other similar common areas intended for

shared use by building occupants. It shall not include driveways, parking areas or accessory buildings. Recreational amenities shall be required on all projects of four or more units. The amenities shall include one or more of the following: Swimming pool, spa, recreation room with ping pong table and lounge furniture or billiard table, children's play equipment, barbecue and picnic table, tennis court, bocce ball, weight room or sauna, pet friendly amenities including but not limited to drink stations, dog walks/parks, etc., or other similar amenities.

Landscaping for Outdoor Living Areas shall comply with the Yard Landscaping Requirements in Section 16.130.030 and the Water Efficient Landscape Requirements of Chapter 16.131.

2. Private Outdoor Living Area

- a. No less than 25 percent of the required outdoor living area and not more than 40 percent of the required outdoor living area shall be provided in Private Outdoor Living Area. Private Outdoor Living Area shall be provided contiguous to a dwelling unit and may include balconies, decks or patios with at least one side open, if designed and maintained for the exclusive use of the occupants of an individual unit. This required Private Outdoor Living Area shall have a minimum area of 40-square feet with a minimum dimension of 5-feet in either direction and shall be reasonably accessible from the dwelling units. In most cases, this area shall be adjacent to, and provide a private usable area for, each dwelling unit.

3. Common Outdoor Living Area

- a. No less than 60 percent of the required outdoor living area and not more than 75 percent of the required outdoor living area shall be provided a Common Outdoor Living Area. Common Outdoor Living Areas shall have a minimum area of 400-SF with a minimum dimension of 15-feet in each direction. This common open space shall be a well-designed, coherent area that is an essential component of the project's design, not merely space left over after the building mass is placed. Common Outdoor Living Area may also include indoor activity and amenity space that is accessible and available to all building occupants.
- b. Areas having minimum dimensions of less than 15-feet but at least eight feet at any point which are contiguous with and an integral part of the common open space, may be included in calculating the area of such space.
- c. Up to 1/2 of covered patio areas designed to be commonly used by residents of a development may be included in calculation of

common open space provided such area does not comprise more than 25 percent of the total common open space.

F. Parking

1. If no enclosed parking is provided, lockable storage spaces shall be required. The size of such storage spaces shall not be less than 100 cubic feet per unit, and no dimension for the measurement of the storage space shall be less than three feet.

Calculation of floor area when determining the required number of parking spaces shall exclude stairwells up to a maximum of 80 square feet, and balconies and patios which are enclosed on no more than three sides.

For parking area development standards, see Chapter [16.136](#). Credit may be allowed for uncovered spaces located in front of garage spaces if restricted for the exclusive use of the occupants of the unit served; however, such credit may not be allowed toward visitor parking. Visitor parking shall be individually accessible and evenly distributed throughout the development.

SECTION 6. Adoption and Approval of New Chapter 16.015. Subject to Section 8 below, in accordance with Chapters 16.315 and 16.409 of the Claremont Municipal Code, and based upon evidence presented, both written and oral testimony, and the above recitals and findings, the City Council hereby adds a new Chapter 16.015 (ADU-Ready RS 10,000 Overlay) to the Claremont Municipal Code as set forth below:

CHAPTER 16.015 ADU-READY RS 10,000 OVERLAY DISTRICT

16.014.000 INTENT

The intent of this chapter is to implement the ADU-Ready RS 10,000 Overlay as set forth in the City of Claremont General Plan's Sixth Cycle Housing Element Update. The ADU-Ready RS 10,000 Overlay is intended to increase the allowable density on North Claremont's undeveloped lots to facilitate and encourage the development of single-family homes and ADU's that can potentially be affordable to moderate-income households.

16.014.010 APPLICABILITY

This chapter shall apply to all properties identified to receive the ADU-Ready RS 10,000 Overlay in the Sixth Cycle Housing Element Update, shown in Map 16.015.1 and as depicted on the City of Claremont Zoning Map on file with the Planning Division. Any and every building, the premises and land on which the building is located shall be used and occupied, and every building shall be erected, constructed, established, altered, enlarged, maintained, moved into or within the ADU-Ready RS 10,000 Overlay District only in accordance with the applicable sections of this chapter and regulations of this title. All of the properties in the ADU-Ready RS 10,000 Overlay district have an underlying zoning of Rural Residential (RR 35,000) and may be developed pursuant to the standards set forth in Chapter 16.007 – RR Rural Residential Districts if not subdivided pursuant to the provisions of this chapter.

Map 16.015.1 – ADU-Ready RS 10,000 Overlay District Properties



16.014.020 DEVELOPMENT PERMITTED

- A. Properties in the ADU-Ready RS 10,000 Overlay District are permitted to be subdivided pursuant to the development standards for lots in the RS (10,000) District as set forth in CMC Section 16.001.040.A and CMC Section 16.001.040.B.
 - 1. Subdivisions of properties in the ADU-Ready RS 10,000 Overlay District shall be processed pursuant to the procedures and requirements set forth in CMC Title 17 – Subdivision Ordinance.
 - 2. The provisions of CMC Section 16.001.040.B.2 shall not apply to properties in the ADU-Ready RS 10,000 Overlay District.
- B. Uses and development permitted on lots subdivided pursuant to this chapter shall be those listed in CMC Section 16.001.010.
- C. Development on lots in the ADU-Ready RS 10,000 Overlay District subdivided pursuant to this chapter shall comply with the development standards for the RS (10,000) District as set forth in CMC Section 16.001.040.C through CMC Section 16.001.040.J.
- D. Additionally, development on lots in the ADU-Ready RS 10,000 Overlay District subdivided pursuant to this chapter must include an Accessory Dwelling Unit (ADU). The ADU shall comply with all applicable requirements and standards set forth in CMC Chapter 16.333 – Accessory Dwelling Units.

SECTION 7. Adoption and Approval of Amendment to Chapter 16.081. Subject to Section 8 below, in accordance with Chapters 16.315 and 16.409 of the Claremont Municipal Code, and based upon evidence presented, both written and oral testimony, and the above recitals and findings, the City Council hereby amends Section 16.081.020 (Specific Plan Areas) of the Claremont Municipal Code to add a new subsection P as set forth below:

P. Specific Plan Area No. 16 applies to the area of approximately 9.67-acres identified as Opportunity Site 39 – La Puerta in the 6th Cycle Housing Element, located west of Forbes north of Base Line Road.

SECTION 8. Contingent on Related Approvals. To ensure consistency with the General Plan, the City Council's approval of this Zoning Code Amendment and Zone Change (#21-Z01) is expressly contingent on the City Council's final approval of the revised 2021-2029 Housing Element Update (#23-GPA01) and its other implementing actions (i.e., the amendments to the Land Use Element and Land Use Plan of the City's General Plan [#21-GPA01]).

SECTION 9. Codification. This Ordinance shall be codified and shall amend the City's Official Zoning Map as set forth above in Sections 4 through 7 and Exhibit 1.

SECTION 10. Non-Substantive Changes. The City Council hereby authorizes the Community Development Director (or his, her, or their designee) to make minor, non-substantive changes to the Zoning Code Amendment and Zone Change as needed to demonstrate to HCD full compliance with Government Code Section 65583 et seq.

SECTION 11. Notice of Determination. The City Council hereby directs City Staff to prepare and file a Notice of Determination (NOD) with the County Clerk's office of the County of Los Angeles within five (5) working days of the adoption of this Ordinance.

SECTION 12. Records. The documents and materials that constitute a record of proceedings on which this Ordinance has been based are located at Claremont City Hall, Community Development Department, 207 Harvard Avenue, Claremont, California. The custodian of these records is the Community Development Director.

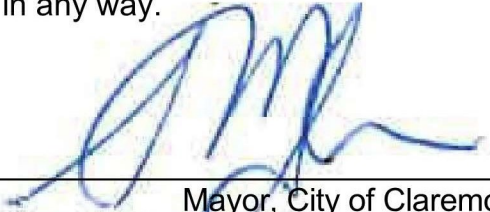
SECTION 13. Severability. If any section, subsection, paragraph, sentence, clause, or phrase added by this Ordinance or its Attachment, or any part thereof, is for any reason held to be unconstitutional or invalid or ineffective by any court of competent jurisdiction, such decision shall not affect the validity or effectiveness of the remaining portions of this ordinance or any part thereof. The City Council hereby declares it would have passed each section, subsection, subdivision, sentence, clause, or phrase thereof irrespective of the fact any or more sections, subsections, subdivisions, paragraphs, sentences, clauses, or phrases are declared unconstitutional, invalid, or ineffective.

SECTION 14. Signature, Attestation, and Publication. The Mayor shall sign this Ordinance and the City Clerk shall attest and certify to the passage and adoption thereof. Within fifteen (15) days, the City Clerk shall publish a summary in the Claremont Courier, a weekly newspaper of general circulation, printed, published, and circulated in the City of Claremont.

SECTION 15. Effective Date. Subject to Section 8 above, this Ordinance shall take effect thirty (30) days after its second reading and adoption by the City Council.

PASSED, APPROVED, AND ADOPTED this 9th day of July, 2024.

As noted above in the recitals, at the July 11, 2023 meeting, the City Council previously segmented the decision on the inclusion of Opportunity Sites Numbers 4, 23a, 23b, and 27 (Mayor Reece recused), 13, 14, and 17 (Mayor Pro Tempore Medina recused), and 35 and 37 (Councilmember Leano recused) so members of the City Council could recuse themselves due to financial conflicts of interest, such that a final decision was reached by the members of the City Council who were present and eligible to vote without the recused Councilmembers' participation in any way.




Mayor, City of Claremont

ATTEST:



City Clerk, City of Claremont

APPROVED AS TO FORM:



City Attorney, City of Claremont

STATE OF CALIFORNIA)
COUNTY OF LOS ANGELES)ss.
CITY OF CLAREMONT)

I, Shelley Desautels, City Clerk of the City of Claremont, County of Los Angeles, State of California, hereby certify that the foregoing Ordinance No. 2024-03 was introduced at a regular meeting of said council held on the 25th day of June, 2024, that it was regularly passed and adopted by said City Council, signed by the Mayor and attested by the City Clerk of said City, all at a regular meeting of said council held on the 9th day of July, 2024, and that the same was passed and adopted by the following vote:

AYES: COUNCILMEMBERS: LEANO, MEDINA, STARK
NOES: COUNCILMEMBERS: CALAYCAY, REECE
ABSTENTIONS: COUNCILMEMBERS: NONE
ABSENT: COUNCILMEMBERS: NONE



City Clerk of the City of Claremont

