

# CLAREMONT CITY COUNCIL

## MEETING AGENDA

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City Council Chamber  
225 Second Street  
Claremont, CA 91711



Tuesday  
February 12, 2019  
6:30 PM

**COUNCILMEMBERS**

**COREY CALAYCAY  
MAYOR**

**LARRY SCHROEDER**

**ED REECE**

**JED LEANO**

**JENNIFER STARK**

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**PLEDGE OF ALLEGIANCE**

**MOMENT OF SILENCE**

**ROLL CALL**

**CLOSED SESSION REPORT**

**CEREMONIAL MATTERS, PRESENTATIONS, AND ANNOUNCEMENTS**

***Recognitions:***

*100th Anniversary of American Legion Keith Powell Post 78  
Chuck Farritor, Historian and WWII Veteran*

**CITY MANAGER REPORT**

**PUBLIC COMMENT**

The Council has set aside this time for persons in the audience who wish to comment on items that ARE NOT LISTED ON THIS AGENDA, but are within the jurisdiction of the City Council. Members of the audience will later have the opportunity to address the City Council regarding ALL OTHER ITEMS ON THE AGENDA at the time the Council considers those items.

At this time the Council will take public comment for 30 minutes. Public Comment will resume later in the meeting if there are speakers who did not get an opportunity to speak because of the 30-minute time limit.

The Brown Act prohibits the City Council from taking action on oral requests relating to items that are not on the agenda. The Council may engage in a brief discussion, refer the matter to staff, and/or schedule requests for consideration at a subsequent meeting.

The Council requests, but does not require, speakers to identify themselves. When you come up to speak, please state your name unless you wish to remain anonymous. Each speaker will be allowed four (4) continuous minutes.

## **CONSENT CALENDAR**

All matters listed on the consent calendar are considered to be routine. The City Council or one or more Commissions and/or Committees have previously considered most of the items on the consent calendar. The Council may act on these items by one motion following public comment.

Only Councilmembers may pull an item from the consent calendar for discussion.

The City Council will waive reading of resolutions and ordinances. Each resolution and ordinance will be numbered following Council approval.

Now is the time for those in the audience to comment on the consent calendar. Each speaker will be allowed four (4) continuous minutes to comment on items on the consent calendar.

### 1. ADOPTION OF RESOLUTIONS APPROVING THE CITY WARRANT REGISTER

- Recommendation:** Staff recommends that the City Council:
- A. Adopt A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF CLAREMONT, CALIFORNIA, ALLOWING CERTAIN CLAIMS AND DEMANDS SPECIFYING THE FUNDS OUT OF WHICH THE SAME ARE TO BE PAID, dated January 24, 2019; and
  - B. Adopt A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF CLAREMONT, CALIFORNIA, ALLOWING CERTAIN CLAIMS AND DEMANDS SPECIFYING THE FUNDS OUT OF WHICH THE SAME ARE TO BE PAID, dated February 7, 2019

**Attachment(s):** Resolution Approving City Warrant Register Dated January 24, 2019  
Resolution Approving City Warrant Register Dated February 7, 2019

### 2. CITY COUNCIL MINUTES OF JANUARY 17, 2019 (CLOSED SESSION AND SPECIAL), JANUARY 22, 2019 (CLOSED SESSION AND REGULAR), JANUARY 29, 2019 (PRIORITY WORKSHOP), AND FEBRUARY 4, 2019 (CLOSED SESSION AND SPECIAL)

- Recommendation:** Staff recommends that the City Council approve and file the closed session and special City Council meeting minutes of January 17, 2019, the closed session and regular City Council meeting minutes of January 22, 2019, the priority workshop City Council meeting minutes of January 29, 2019, and the closed session and special City Council meeting minutes of February 4, 2019.

**Attachment(s):** Draft Closed Session Meeting Minutes of January 17, 2019  
Draft Special Meeting Minutes of January 17, 2019  
Draft Closed Session Meeting Minutes of January 22, 2019  
Draft Regular Meeting Minutes of January 22, 2019  
Draft Priority Workshop Meeting Minutes of January 29, 2019  
Draft Closed Session Meeting Minutes of February 4, 2019  
Draft Special Meeting Minutes of February 4, 2019

3. AUTHORIZATION TO EXTEND A PROFESSIONAL SERVICES AGREEMENT WITH TRANSTECH ENGINEERS, INC., FOR INTERIM BUILDING OFFICIAL, PLAN REVIEW, AND BUILDING INSPECTOR SERVICES

**Recommendation:** Staff recommends that the City Council authorize the City Manager to extend the existing professional services agreement with TRANSTECH Engineers, Inc., for a part-time Chief Building Official, building inspection and plan check services, for a period of six additional months in an amount not to exceed \$400,000.

4. CITY COUNCIL WORKSHOP SUMMARY AND ACTION ITEM PLAN

**Recommendation:** Staff recommends the City Council approve the Core Values, Mission Statement, Priority Goals, and 2019 Action Item Plan.

**Attachment(s):** 2019 Action Item Plan

## **PUBLIC HEARINGS**

Public Hearings will not begin before 7:00 p.m. Each speaker providing public comment will be allowed four (4) continuous minutes to speak, which cannot be delegated.

5. PUBLIC HEARING TO RECEIVE PUBLIC INPUT AND DISCUSS POTENTIAL TRANSITION FROM AT-LARGE TO DISTRICT ELECTIONS, PURSUANT TO ELECTIONS CODE SECTION 10010(A)(2)

**Recommendation:** Staff recommends that the City Council:  
A. Consider, discuss, and receive public comment regarding the content of the draft voting district maps and the potential sequence of elections; and  
B. Select a draft voting map and election sequence for adoption.

**Attachment(s):** City Council Resolution 2018-67  
Table of Results of CVRA Litigation  
Draft Voting District Maps

6. PUBLIC HEARING, INTRODUCTION, AND FIRST READING OF AN ORDINANCE ADOPTING, ESTABLISHING, AND IMPLEMENTING A BY-DISTRICT METHOD OF ELECTION, VOTING DISTRICT MAP AND ELECTION SEQUENCE

**Recommendation:** Staff recommends that the City Council conduct a public hearing and introduce for first reading of AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF CLAREMONT, CALIFORNIA ESTABLISHING AND IMPLEMENTING BY-DISTRICT ELECTIONS, incorporating the selection of a voting map and election sequence.

**Attachment(s):** Ordinance Establishing By-District Elections

7. CLAREMONT MUNICIPAL CODE AMENDMENT REGULATING RECREATIONAL, MEDICAL, AND COMMERCIAL USES OF MARIJUANA

**Recommendation:** Staff recommends that the City Council:  
A. Adopt AN URGENCY ORDINANCE EXTENDING ORDINANCE NO. 2016-11 AND THE REGULATIONS SET FORTH IN CHAPTER 9.72 OF THE CLAREMONT MUNICIPAL CODE RELATING TO THE PERSONAL, MEDICAL, AND COMMERCIAL USE OF MARIJUANA; and  
B. Introduce AN ORDINANCE EXTENDING ORDINANCE NO. 2016-11 AND THE REGULATIONS SET FORTH IN CHAPTER 9.72 OF THE CLAREMONT MUNICIPAL CODE RELATING TO THE PERSONAL, MEDICAL, AND COMMERCIAL USE OF MARIJUANA.

**Attachment(s):** Urgency Ordinance Extending Marijuana Regulation  
Ordinance Extending Marijuana Regulation

## ORDINANCES - None

## ADMINISTRATIVE ITEMS

8. REQUEST FOR REMOVAL OF TWO CANARY ISLAND PINE TREES AT 2233 KEMPER AVENUE

**Recommendation:** Staff recommends that the City Council uphold the Community and Human Services Commission recommendation to deny the request for removal of the two Canary Island Pine trees at 2233 Kemper Avenue.

**Attachment(s):** Original Email from Resident  
Appeal Form  
Photos of Trees  
Excerpt from the 7-18-18 Tree Committee Minutes  
Excerpt from the 10-17-18 Tree Committee Minutes  
Excerpt from the 11-7-18 CHS Commission Meeting

9. SECOND READING AND ADOPTION OF AN ORDINANCE AMENDING THE CLAREMONT MUNICIPAL CODE TO MODIFY HOW ACCESSORY DWELLING UNITS (ADUS) ARE REGULATED (#17-CA01). CITY-INITIATED

**Recommendation:** Staff recommends that the City Council waive further reading and adopt AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF CLAREMONT, AMENDING EXISTING MUNICIPAL CODE CHAPTER 16.333, CURRENTLY ENTITLED "ACCESSORY SECOND UNITS" (#17-CA01).

**Attachment(s):** Draft Ordinance Approving Code Amendment File #17-CA01  
Existing CMC Chapter 16.333 - Accessory Second Units  
January 22, 2019 #17-CA01 Staff Report  
Public Comment Attachment D

## **CONTINUED PUBLIC COMMENT**

This time is reserved for those persons who were unable to speak earlier in the agenda because of the 30-minute time restriction.

## **MAYOR AND COUNCIL**

### **Council Items**

### **Council Assignment Reports**

City Councilmembers may serve as representatives on regional organizations. This time is allocated for reports about their activities.

## **COMMISSIONS**

*Architectural Commission (One Vacancy)*  
*Community and Human Services Commission (One Vacancy)*  
*Police Commission (One Vacancy)*  
*Sustainability Committee (Five Vacancies)*  
*Traffic and Transportation Commission (One Vacancy)*

## **ADJOURNMENT**

THE NEXT REGULAR MEETING OF THE CLAREMONT CITY COUNCIL WILL BE HELD ON, FEBRUARY 26, 2019, AT 6:30 P.M. IN THE CLAREMONT CITY COUNCIL CHAMBER, 225 SECOND STREET.

### ***A LOOK AHEAD – Upcoming Meetings and Tentative Agenda Items***

*Mid-Year Budget Update*  
*Part 1 Crimes*  
*Crime Free Multi-Housing Update*  
*Authorization to Order Annual Landscape and Lighting District Engineer's Report*

MATERIALS RELATED TO AN ITEM ON THIS AGENDA, AND SUBMITTED TO THE CITY COUNCIL AFTER PUBLICATION OF THE AGENDA, ARE AVAILABLE TO THE PUBLIC IN THE CITY CLERK'S OFFICE AT 207 HARVARD AVENUE, CLAREMONT, MONDAY THROUGH THURSDAY, 7 AM – 6 PM. SUBJECT MATERIALS WILL BE MADE AVAILABLE ON THE CITY WEBSITE AS SOON AS POSSIBLE - [www.ci.claremont.ca.us](http://www.ci.claremont.ca.us). For more information, please call the City Clerk's Office at 909-399-5461.

**IN COMPLIANCE WITH THE AMERICANS WITH DISABILITIES ACT OF 1990, THIS AGENDA WILL BE MADE AVAILABLE IN APPROPRIATE ALTERNATIVE FORMATS TO PERSONS WITH DISABILITIES. ANY PERSON WITH A DISABILITY WHO REQUIRES A MODIFICATION OR ACCOMMODATION IN ORDER TO PARTICIPATE IN A CITY MEETING SHOULD CONTACT THE CITY CLERK AT 909-399-5461 "VOICE" OR 1-800-735-2929 "TT/TTY" AT LEAST THREE (3) WORKING DAYS PRIOR TO THE MEETING, IF POSSIBLE.**

I, SHELLEY DESAUTELS, CITY CLERK OF THE CITY OF CLAREMONT, CALIFORNIA, HEREBY CERTIFY UNDER PENALTY OF PERJURY THAT THE FOREGOING AGENDA WAS POSTED AT CLAREMONT CITY HALL, 207 HARVARD AVENUE, ON FEBRUARY 7, 2019, PURSUANT TO GOVERNMENT CODE SECTION 54954.2.

POST THROUGH: FEBRUARY 13, 2019



# Claremont City Council

## Agenda Report

File #: 2736

Item No: 1.

TO: TARA SCHULTZ, CITY MANAGER  
FROM: SHELLEY DESAUTELS, CITY CLERK  
DATE: FEBRUARY 12, 2019

**Reviewed by:**  
City Manager: TS  
Finance Director: AP

### **SUBJECT:**

### **ADOPTION OF RESOLUTIONS APPROVING THE CITY WARRANT REGISTER**

### **RECOMMENDATION**

Staff recommends that the City Council:

- A. Adopt A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF CLAREMONT, CALIFORNIA, ALLOWING CERTAIN CLAIMS AND DEMANDS SPECIFYING THE FUNDS OUT OF WHICH THE SAME ARE TO BE PAID, dated January 24, 2019; and
- B. Adopt A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF CLAREMONT, CALIFORNIA, ALLOWING CERTAIN CLAIMS AND DEMANDS SPECIFYING THE FUNDS OUT OF WHICH THE SAME ARE TO BE PAID, dated February 7, 2019

### **PUBLIC NOTICE PROCESS**

This item has been noticed through the regular agenda notification process. Copies are available at the City Hall public counter, the Youth Activity Center, the Alexander Hughes Community Center, and the City website.

Submitted by:

Shelley Desautels  
City Clerk

### **Attachments:**

- A - Resolution Approving City Warrant Register Dated January 24, 2019
- B - Resolution Approving City Warrant Register Dated February 7, 2019

**RESOLUTION NO. 2019-**

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF CLAREMONT, CALIFORNIA, ALLOWING CERTAIN CLAIMS AND DEMANDS AND SPECIFYING THE FUNDS OUT OF WHICH THE SAME ARE TO BE PAID**

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

**SECTION 1.** That the list of claims and demands dated January 24, 2019, totaling \$2,057,154.90 has been audited as required by law.

**SECTION 2.** That warrant numbers 3584 through 3596, 236894 through 237062, and 4857 inclusive, are hereby allowed in the amounts and ordered paid out of the respective funds.

**SECTION 3.** That 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 12<sup>th</sup> day of February, 2019.

\_\_\_\_\_  
Mayor, City of Claremont

ATTEST:

\_\_\_\_\_  
City Clerk, City of Claremont



**RESOLUTION NO. 2019-**

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF CLAREMONT, CALIFORNIA, ALLOWING CERTAIN CLAIMS AND DEMANDS AND SPECIFYING THE FUNDS OUT OF WHICH THE SAME ARE TO BE PAID**

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

**SECTION 1.** That the list of claims and demands dated February 7, 2019, totaling \$1,864,823.50 has been audited as required by law.

**SECTION 2.** That warrant numbers 3597 through 3603, 237063 through 237195, and 4858 inclusive, are hereby allowed in the amounts and ordered paid out of the respective funds.

**SECTION 3.** That 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 12<sup>th</sup> day of February, 2019.

\_\_\_\_\_  
Mayor, City of Claremont

ATTEST:

\_\_\_\_\_  
City Clerk, City of Claremont



# Claremont City Council

## Agenda Report

**File #:** 2737

**Item No:** 2.

**TO:** TARA SCHULTZ, CITY MANAGER  
**FROM:** SHELLEY DESAUTELS, CITY CLERK  
**DATE:** FEBRUARY 12, 2019

**Reviewed by:**  
City Manager: TS  
Finance Director: AP

### **SUBJECT:**

**CITY COUNCIL MINUTES OF JANUARY 17, 2019 (CLOSED SESSION AND SPECIAL), JANUARY 22, 2019 (CLOSED SESSION AND REGULAR), JANUARY 29, 2019 (PRIORITY WORKSHOP), AND FEBRUARY 4, 2019 (CLOSED SESSION AND SPECIAL)**

### **RECOMMENDATION**

Staff recommends that the City Council approve and file the closed session and special City Council meeting minutes of January 17, 2019, the closed session and regular City Council meeting minutes of January 22, 2019, the priority workshop City Council meeting minutes of January 29, 2019, and the closed session and special City Council meeting minutes of February 4, 2019.

### **PUBLIC NOTICE PROCESS**

This item has been noticed through the regular agenda notification process. Copies are available at the City Hall public counter, the Youth Activity Center, the Alexander Hughes Community Center, and on the City website.

Submitted by:

Prepared by:

Shelley Desautels  
City Clerk

Jamie Costanza  
Deputy City Clerk

### **Attachments:**

- A - Draft Closed Session Meeting Minutes of January 17, 2019
- B - Draft Special Meeting Minutes of January 17, 2019
- C - Draft Closed Session Meeting Minutes of January 22, 2019
- D - Draft Regular Meeting Minutes of January 22, 2019
- E - Draft Priority Workshop Meeting Minutes of January 29, 2019

F - Draft Closed Session Meeting Minutes of February 4, 2019  
G - Draft Special Meeting Minutes of February 4, 2019

**CLAREMONT CITY COUNCIL  
SPECIAL MEETING MINUTES**

Thursday, January 17, 2019 – 5:15 p.m.  
City Council Chamber  
225 Second Street, Claremont, California

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**CALL TO ORDER**

Mayor Calaycay called the meeting to order at 5:15 p.m.

**ROLL CALL**

**PRESENT** COUNCILMEMBER: CALAYCAY, LEANO, REECE, STARK

**ABSENT** COUNCILMEMBER: NONE

**LATE ARRIVAL** COUNCILMEMBER: SCHROEDER

**ALSO PRESENT** Tara Schultz, City Manager; Joseph Larsen, Deputy City Attorney; Colin Tudor, Assistant City Manager; Shelley Desautels, City Clerk

**Closed Session**

Mayor Calaycay invited public comment.

There were no requests to speak.

At 5:16 p.m., the City Council recessed to closed session:

**Pursuant to Government Code Section 54956.9(d)(2):**

**CONFERENCE WITH LEGAL COUNSEL – ANTICIPATED LITIGATION  
One Potential Case**

The City Council reconvened at 6:30 p.m.

**Closed Session Report**

Mayor Calaycay stated there was no reportable action.

**ADJOURNMENT**

At 6:30 p.m., Mayor Calaycay adjourned the meeting.

\_\_\_\_\_  
Mayor

ATTEST:

\_\_\_\_\_  
Deputy City Clerk

**CLAREMONT CITY COUNCIL  
MINUTES**

Thursday, January 17, 2019 - 6:30 p.m.  
City Council Chamber  
225 Second Street, Claremont, California

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**CALL TO ORDER**

Mayor Calaycay called the meeting to order at 6:30 p.m.

**PLEDGE OF ALLEGIANCE****ROLL CALL**

**PRESENT** COUNCILMEMBER: CALAYCAY, LEANO, REECE, SCHROEDER, STARK

**ABSENT** COUNCILMEMBER: NONE

**ALSO PRESENT** Tara Schultz, City Manager; Joseph Larsen, Deputy City Attorney; Christopher Paulson, Director of Community Services; Brad Johnson, Director of Community Development; Shelly Vander Veen, Police Chief; Anne Turner, Director of Human Services; Shelley Desautels, City Clerk

**CLOSED SESSION REPORT**

Mayor Calaycay stated there was no reportable action.

**PUBLIC HEARING**

Public Hearing to Receive Public Input and Discuss Potential Transition from At-Large to District Elections, Pursuant to Elections Code 10010(A)(1)

Doug Johnson, National Demographic Company (NDC), gave a PowerPoint presentation.

Alan Fenstermacher, Rutan and Tucker, and Doug Johnson, NDC, responded to questions from the City Council related to the deadline for map submittal, the districts that will be up for election in 2020, the date the proposed ordinance will go before the City Council for second reading, public input, legislative action needed to return to at large elections, if the public rejects district elections by a vote does that change the City's liability, clarification on the liability the City may be subject to, risks associated with not moving towards district based elections, burden of proof, City of Huntington Beach and their districting process, and timeline for the districting process.

Mayor Calaycay invited public comment.

Parker Emerson, Claremont resident, asked if the plaintiff in a California Voter Rights Act (CVRA) lawsuit must be a resident of Claremont. He read AB 182, the California Voter Rights Act of 2001, and is concerned that the City's proactive approach of moving to district-based elections does not clear the City from a potential suit.

Andy Winnick suggested the City Council keep five Council seats. Four seats should be assigned to districts and one seat should be an at large mayor. He believes that the

purpose of districting is to establish a strong link in terms of interests, concerns, and the wellbeing of that district. The mayor should represent the entire City.

Sue Keith stated that she travels to Sacramento a lot and there is no will on the part of the legislature to change this law. As a member of the Citrus Community College District Board of Trustees she shared there are 5 districts, and the Board of Trustees always works for the students and citizens in the area that Citrus College covers. She believes that districting can work, and the City Manager's role will be key.

Gene Boutiliou, resident of Pilgrim Place, asked the City Council to split Pilgrim Place in any direction resulting in Pilgrim Place being a part of two districts. Being a part of two districts would allow Pilgrim Place residents to engage two Councilmembers. Lastly, he spoke in support of moving towards district-based elections.

Rose Ash stated that her main interest is to maintain the at-large climate, and the cohesive nature. The most important matters are that the City does not fracture as a community, adheres together on the principles of inclusiveness, sustainability, and other principles driving Claremont to a more progressive future.

Bob Gerecke, Claremont resident, hopes the City Council will decide to retain five Councilmember seats representing five districts with a rotating mayor. Having more than five districts may encourage a "my neighborhood only" mindset, less qualified candidates may be elected, and could be easier for a local group to build a political machine.

Richard Rosenbluth, Claremont resident, believes that Claremont should have more than five districts if the community wants to meet the requirements of keeping communities represented and not diluting them within their districts. He spoke in support of a rotating mayor.

Paul Held, Claremont resident, encouraged the City Council to retain five Councilmember seats as that gives opportunity for a lively discussion yet is still workable.

Jim Keith asked for clarification on the threat the City received regarding the CVRA and if that information is a public record. He believes there should be five districts with a rotating mayor.

Rachel Forester asked for clarification on a Councilmember running from a safe seat.

Dennis Berder, Claremont resident, noticed that the Councilmembers have a selective hearing problem. Council has the ability to hear lawyers, and power members of the City, but not those with opposing views. He added that if the at large election system is not broken, do not fix it.

Jim Belna, Claremont resident, spoke against the City moving towards district-based elections. He stated it is not too late to put the people first and pull the plug on this divisive, unworkable, and totally unnecessary transition.

There were no other requests to speak.

Mr. Fenstermacher, and Mr. Johnson, responded to questions raised during the public comment period and clarified that the plaintiff does need to reside in Claremont, a suit cannot be brought against the City after it moves to district based elections, the City heard that a group was considering bringing suit against Claremont, and if a Councilmember does not win from their safe seat that Councilmember would remain until their term has expired.

Councilmember Reece is frustrated with the situation. He believes the community needs to hold its elected officials accountable and promote and support those elected that govern the City as a whole. He is committed to govern in a manner that is good for the whole.

Mr. Fenstermacher, and Mr. Johnson, continued to respond to questions from the City Council related to CVRA litigation, communities of interest, voter turn-out shown in the Claremont Colleges, challenges of a demographer, and the need for contiguous districts.

Councilmember Stark stated that we do not always ask for the things brought before us, but one should be resilient when responding to that situation. She does not see this challenge as a threat to Claremont's ability to be a community that compromises, is civil, creative, and values all assets. She spoke in support of having five districts with a rotating mayor.

Councilmember Leano stated that all comments received have been valuable and informative. He hopes that everyone will provide input on their ideas of community interest as Pilgrim Place did. As documented, there is a population of 4600 residents at the Colleges and it is fundamentally untenable to have one district that contains 4600 census bodies that will net 140 votes. He spoke in support of having five districts with a rotating mayor.

Councilmember Schroeder has seen cities with an elected mayor and that becomes a real seat of power. He spoke in support of retaining a rotating mayor with five districts. He explained that the more districts there are, the harder time the City will have getting candidates to run.

Councilmember Reece spoke in favor of having five districts because if there were more Councilmember seats there would be an opportunity for too many opinions and not an opportunity for cohesiveness. He also spoke in support of a rotating mayor as he believes there are more benefits to a rotating mayor than an at large mayor.

Councilmember Stark added that if the districts were created in such a way that led to competition between current Councilmembers, that would be good for democracy and be best for the community.

Mayor Calaycay would like to speak to legal counsel about the concerns that lead to this process and that confidential information. He does not see the need to keep that information confidential. He has seen at large communities and district-based communities, and in both situations, it depends on the quality of those running for the elected seats. Lastly, he spoke in support of having five districts with a rotating mayor.

Deputy City Attorney Larson reiterated that the Council has provided direction to staff to proceed with five districts and a rotating mayor.

City Manager Schultz added there will be a special City Council meeting on February 4 to discuss and take public comment on draft maps and the proposed sequence of election. On February 9, the City will host two workshops for the public to provide input on draft maps and the proposed sequence of elections. Lastly, on February 12, there will be a City Council meeting to discuss the draft maps, sequence of elections, and introduction of an ordinance establishing by-districts elections, district boundaries, and the sequence of elections.

### **ADJOURNMENT**

Mayor Calaycay adjourned the meeting at 8:41 p.m. The next regular meeting of the Claremont City Council will be held on Tuesday, January 22, 2019, at 6:30 p.m. in the Claremont City Council Chamber, 225 Second Street, Claremont.

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Mayor

ATTEST:

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Deputy City Clerk



**CLAREMONT CITY COUNCIL  
SPECIAL MEETING MINUTES**

Tuesday, January 22, 2019 – 5:15 p.m.  
City Council Chamber  
225 Second Street, Claremont, California

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**CALL TO ORDER**

Mayor Calaycay called the meeting to order at 5:15 p.m.

**ROLL CALL**

**PRESENT** COUNCILMEMBER: CALAYCAY, LEANO, REECE, SCHROEDER, STARK

**ABSENT** COUNCILMEMBER: NONE

**ALSO PRESENT** Tara Schultz, City Manager; Joseph Larsen, Deputy City Attorney; Colin Tudor, Assistant City Manager; Shelley Desautels, City Clerk

**Closed Session**

Mayor Calaycay invited public comment.

There were no requests to speak.

At 5:16 p.m., the City Council recessed to closed session:

1. **Pursuant to Government Code Section 54956.9(d)(4):**

**CONFERENCE WITH LEGAL COUNSEL – ANTICIPATED LITIGATION  
One Potential Case**

2. **Pursuant to Government Code Section 54656.9(d)(2)**

**CONFERENCE WITH LEGAL COUNSEL – ANTICIPATED LITIGATION  
One Potential Case**

3. **Pursuant to Government Code Section 54957.6**

***CONFERENCE WITH LABOR NEGOTIATORS  
Agency Designated Representatives:  
Tara Schultz, City Manager  
Colin Tudor, Assistant City Manager***

***Employee Organizations:  
Claremont Employees' Association  
Claremont Management Association  
Claremont Police Management Association  
Claremont Police Officers' Association  
Claremont Professional Employees' Association  
Claremont Administrative and Technical Support Employees' Association***

The City Council reconvened at 6:30 p.m.

**Closed Session Report**

Mayor Calaycay stated there was no reportable action.

**ADJOURNMENT**

At 6:30 p.m., Mayor Calaycay adjourned the meeting.

\_\_\_\_\_  
Mayor

ATTEST:

\_\_\_\_\_  
Deputy City Clerk

**CLAREMONT CITY COUNCIL  
MINUTES**

Tuesday, January 22, 2019 - 6:30 p.m.  
City Council Chamber  
225 Second Street, Claremont, California

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**CALL TO ORDER**

Mayor Calaycay called the meeting to order at 6:30 p.m.

**PLEDGE OF ALLEGIANCE**

**MOMENT OF SILENCE** – In honor of Kimberly Porter Martin, Marja Eva Van Rosmalen, Robert Stillwell, Nick Livingston, and Cara Hamilton Wingert

**ROLL CALL**

**PRESENT** COUNCILMEMBER: CALAYCAY, LEANO, REECE, SCHROEDER, STARK

**ABSENT** COUNCILMEMBER: NONE

**ALSO PRESENT** Tara Schultz, City Manager; Joseph Larsen, Deputy City Attorney; Christopher Paulson, Director of Community Services; Brad Johnson, Director of Community Development; Shelly Vander Veen, Police Chief; Anne Turner, Director of Human Services; Shelley Desautels, City Clerk

**CLOSED SESSION REPORT**

Mayor Calaycay stated there was no reportable action.

**CEREMONIAL MATTERS, PRESENTATIONS, AND ANNOUNCEMENTS**

Benjamin Lewis, General Manager of Golden State Water, presented a PowerPoint presentation on Golden State Water's Construction Projects.

**CITY MANAGER REPORT**

City Manager Schultz reported that today is the deadline to submit a district boundary map for consideration by the community and the City Council. The district boundary maps will be posted on the City's website on January 28 to allow for a 7-day review period before the Special City Council meeting on February 4. The draft district boundary maps will also be available at the public workshops on Saturday, February 9. She also reported that City staff and elected officials will be attending the January 24 Metro Board meeting to urge the Board to continue working on funding the construction of the Gold Line to Claremont. Lastly, she reported on the City's involvement in the Los Angeles County Homeless Count taking place tonight, January 22, and reminded everyone that the Council's priority workshop meeting will take place on January 29.

**PUBLIC COMMENT**

Mayor Calaycay invited public comment.

Amy Crow, Claremont Library Manager, shared upcoming events and programs taking place at the Library.

Cari Johnson, employee at the Sanitation District of Los Angeles County, asked the City Council to support the Sanitation District's employee negotiations as the long-standing impasse between management and employees will eventually affect the City of Claremont.

Joe Lyons shared that the Housing and Homeless Collaborative of Claremont is headed towards incorporation, and asked that the City Council appoint a Council liaison to the collaborative. He specifically requested Councilmember Jed Leano as the collaborative liaison.

Karen Rosenthal does not want the City to ignore the possible consequences of having more Accessory Dwelling Units. She believes the City should address short-term rentals and the City should be collecting an occupancy tax from Airbnb's.

There were no other requests to speak.

### **CONSENT CALENDAR**

Councilmember Stark removed Consent Calendar Item No. 5 for additional discussion.

Mayor Calaycay invited public comment on Consent Calendar Items No. 1-4, and 6-9.

There were no requests to speak.

### **Routine Administrative Items**

1. Adoption of a Resolution Approving City Warrant Registers  
Adopted Resolution No. 2019-10, A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF CLAREMONT, CALIFORNIA, ALLOWING CERTAIN CLAIMS AND DEMANDS SPECIFYING THE FUNDS OUT OF WHICH THE SAME ARE TO BE PAID, dated January 10, 2019.
2. City Council Minutes of January 8, 2019 (Special and Regular)  
Approved and filed.
3. Award of Contract to FS Contractors for Minor Concrete Repairs  
Authorized the City Manager to enter into a five-month contract with FS Contractors in the amount of \$41,100, with four optional one-year extensions, in an amount not to exceed \$74,600 per year for minor concrete repair services.
4. Approval of Final Parcel Map No. 62534, Subdividing 0.95 Acres Into Three Lots at 1238 W. Base Line Road. Applicant – California School House Developers LLC  
Adopted Resolution No. 2019-11, A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF CLAREMONT, CALIFORNIA, APPROVING FINAL PARCEL MAP NO. 62534.
5. Automated License Plate Reader Equipment Purchase  
This item was removed from the Consent Calendar for additional discussion.

6. Award of Contract for the Purchase of a Backhoe for Oak Park Cemetery  
Authorized the City Manager to enter into a contract with National Auto Fleet Group in the amount of \$94,166.72 for the purchase of a new Caterpillar backhoe.
7. Investment Report – Quarter Ending December 31, 2018  
Received and accepted the Investment Report for the quarter ending December 31, 2018.
8. Amendment to the Award of Contract for Sanitation Vehicles
  - A. Awarded a contract to National Auto Fleet Group in an amount not to exceed \$44,000 for the purchase of one Ford F-350;
  - B. Awarded a contract to Frontier Ford in an amount not to exceed \$69,000 for the purchase of one Ford F-450 with skid attachment;
  - C. Authorized the City Manager to execute the contracts; and
  - D. Appropriated an additional \$2,990 from the Sanitation Fund balance to fund the increased purchase price of the two vehicles.
9. Claremont Hills Conservation Corporation (CHCC) Deed Acceptance  
Authorized the City Manager to sign and execute a certificate of acceptance of quitclaim deed and related documents on behalf of the City to process the dissolution of the Claremont Hills Conservation Corporation.

***Councilmember Leano moved to approve Consent Calendar Items No. 1-4, and 6-9, seconded by Councilmember Schroeder, and carried on a vote as follows:***

***AYES: Councilmember – Calaycay, Leano, Reece, Schroeder, Stark***  
***NOES: Councilmember – None***

**Item Removed from the Consent Calendar**

5. Automated License Plate Reader Equipment Purchase

Chief VanderVeen highlighted the staff report and responded to questions from the City Council of whether additional training will be required for the new equipment, and further clarification related to cameras that have reached their end of life.

Mayor Calaycay invited public comment.

There were no requests to speak.

***Councilmember Reece moved to authorize the City Manager to execute an agreement with Vigilant Solutions in the amount of \$153,253.28 for the purchase of 14 Automated License Plate Reader cameras and the associated Vigilant service packages, seconded by Councilmember Stark, and carried on a vote as follows:***

***AYES: Councilmember – Calaycay, Leano, Reece, Schroeder, Stark***  
***NOES: Councilmember – None***

## **PUBLIC HEARING**

### 10. Community Development Block Grant (CDBG) Program – Approval of the 2019-20 Budget

Brad Johnson, Director of Community Development, highlighted the staff report and responded to questions from the City Council of whether federal funding will be sustainable, negative impacts if federal funding is removed, economic development tools, when will Los Angeles County announce allocation amounts, is the allocation formula based on income demographics and how that data collected, how is CDBG funding affected during the government shutdown, and CDBG job creation for employees of those businesses residing in Claremont.

Mayor Calaycay invited public comment.

There were no requests to speak.

***Councilmember Schroeder moved to approve the program budget for the 2019-20 Community Development Block Grant programs as proposed, and authorized staff to proportionately increase or decrease each program budget based on the final Community Development Block Grant allocation, if necessary, seconded by Councilmember Stark, and carried on a roll call vote as follows:***

**AYES: Councilmember – Calaycay, Leano, Reece, Schroeder, Stark**  
**NOES: Councilmember – None**

## **ORDINANCE**

### 11. Proposed Amendment to the Claremont Municipal Code Pertaining to Accessory Dwelling Units (ADUS) (#17-CA01). City Initiated

Nikola Hlady, Associate Planner, gave a PowerPoint presentation, and responded to questions from the City Council related to the determination of sewer adequacy and traffic flow, noticing requirements, comparison of other ADU ordinances, and appeal processes.

Mr. Hlady, Adam Pirrie, Finance Director, and Brad Johnson, Director of Community Development, continued to respond to questions from the City Council related to potential fiscal impacts, timeframe for approvals, appeal procedures for the ministerial process, successful overnight parking programs, enforceability of the Municipal Code, cost of building an ADU, and concerns of Southern California Edison.

Mark Schoeman, Chair of the Architectural Commission, spoke in support of the dual review process. Having a dual process allows for the right buildings to be built in the right neighborhoods.

Richard Rosenbluth, Chair of the Planning Commission, explained that the Planning Commission tried to balance two conflicting demands when discussing ADU's. Those two demands were to encourage affordable housing and the character of neighborhoods. He explained that the Planning Commission believes the proposed process gives residents real opportunities.

Mayor Calaycay invited public comment.

Paul Steffen believes the ordinance is well thought out and reminded the City Council that the State enacted this in order to provide more housing. He has spoken to several in the community and many agreed that the allotted square footage is too small.

Unidentified speaker questioned the monitoring and construction process of an ADU, and the regulations in place for earthquake safety. She raised concern of the City's sewer capacity and if the historic nature of the City will be taken in account when approving an ADU.

Jim Keith, Claremont resident, explained that he sees ADU's as a positive opportunity to address regional housing, the cost of housing, allows homeowners to finance ADU's themselves, and increases the taxable value of a residence. He raised concern about the maximum allowable size, as he believes 400 square feet will be very expensive to construct.

Kevin Sardinian, Claremont resident, will be building an ADU but believes the maximum size allowed should be based on the size of the lot and should be allowed to be larger if the property size allows.

Joe Lyons, Claremont resident, stated he is generally in favor of the ways the City is trying to address affordable housing; however, the size constraints do not encourage the building of ADU's. He suggested the maximum allowable size of ADU's be reviewed again as there are too many constraints being placed on the process making it an ineffective way of addressing the spirit of the legislature.

Bob Gerecke spoke in support of the comments made by Mr. Steffen, Mr. Keith, and Mr. Lyons. He believes the City should stick with the current lot coverage limits and not penalize those that chose to build an ADU. He questioned if it would be legal for the property owner to reside in the ADU while renting the main residence as a short-term rental, and what would the City consider permanent foundation.

Mark Schoeman, Claremont resident, stated that as an architect he understands why the City would set the limits low because when units get too big it starts to affect neighborhoods. He is concerned with the ADU review process and the additional review required by the Planning Commission.

Karen Rosenthal stated that she owns a 400 square foot nonconforming ADU and has never had an issue renting that space. She asked the City Council to be careful of some of the larger houses carving out large spaces to accommodate duplexes in areas zoned single family residential.

Sue Keith raised concern that 400 square feet is too small. She asked that the maximum square footage be increased slightly as to limit the number of review processes.

Richard Rosenbluth, Claremont resident, stated that there were four public meetings where ADU size was discussed. He believes there would be a different group present at tonight's meeting, if a larger size was being proposed. He asked the City Council to support the Commissions' recommendations and introduce the proposed ordinance.

Matt Maldonado agreed that 400 square feet is much too small. He has a large lot but will not go through the extra steps needed to build larger ADU. He asked the City Council to consider increasing the maximum size ADU allowed.

There were no other requests to speak.

Mr. Hlady, and Mr. Johnson, responded to questions raised during the public comment period that construction of ADU's would be monitored and would be subject to the State's building codes, noise impacts will need to adhere to the City's noise ordinance, the City would ensure parking is being provided as required but a tenant lease is a private matter, sewer review will be conducted by the Engineering Division, short term rentals are not allowed in the City whether it be the front house or an ADU, and the definition of a permanent foundation can be found in the California Building Code as well as the proposed ordinance.

Joseph Larsen, Deputy City Attorney, responded to a question from the City Council related to the State's review.

Adam Pirrie, Finance Director, responded to a question from the City Council stating that if someone were to build a dwelling at an assessed value of \$100,000, the City would receive \$114.

Councilmember Schroeder stated he is against altering ordinances. If the Council thinks that changes need to be made, he suggested that the ordinance be sent back to City staff.

Mr. Hlady continued to respond to questions from the City Council related to the differences between the current and proposed restrictions, compliance with State law, penalties the City may face for not being in compliance, development standards, lot coverage, and approval process for ADU's.

The City Council recessed at 9:15 p.m.  
The City Council reconvened at 9:20 p.m.

Councilmember Reece stated that the spirit of the law is well intended and could be quite effective in providing more affordable housing opportunities.

Councilmember Stark stated that this effort affirms community, and community process. She believes that the willingness to create two approval processes embraces creativity and allows for something exceptional to be created. The 400 square foot standard is doable and less imposing, which balances desires and wants. This will not solve all housing problems, but this is an approach to a complicated issue.

Councilmember Leano spoke in support of the criteria and framework of the ordinance. He suggested that if the City Council adopts the proposed ordinance, City staff monitor the number of people interested in building ADU's, the number of ADU's built, and those who received information about ADU's but chose not to go through the discretionary process.

Councilmember Reece spoke in support of Councilmember Leano's comments. He believes the proposed ordinance fits within the spirit of the law and is a first step in complying and creating standards that are the Claremont way. He spoke in support of the



proposed ordinance with the understanding that staff will monitor the negative impacts, if any.

Councilmember Schroeder stated he is open to amend the ordinance at a later time if necessary. He was glad to hear about the process the Commissions went through as the maximum size allowed was thoroughly vetted. He spoke in support of the proposed ordinance and Councilmember Leano's suggestion for monitoring the process.

Mayor Calaycay raised concern related to the costs associated with the ADU process and the bureaucratic process for approval. He believes monitoring proposed by Councilmember Leano would be difficult to track and suggested the City Council add a sunset date to the ordinance or a formal mandate that the ordinance must be reviewed by the City Council again by a certain date.

City Manager Schultz agreed that monitoring the ADU process will be almost impossible to track and including a sunset date may violate State law. She suggested the City Council direct staff to report back to the City Council at a future meeting.

Councilmember Stark stated that the idea of tracking or monitoring does not embody faith in the process the City is undertaking. The City is not looking to address all housing needs through ADUs.

Councilmember Reece questioned if there were other ways available to track and monitor the impacts of the ADUs.

Councilmember Schroeder responded that a study can be conducted and suggested a sample be taken and a questionnaire be sent to that sample group. He also suggested that the ordinance be amended to include a statement that this will be reviewed after one year.

City Attorney Larsen responded that adding any date into the ordinance is not necessary but suggested the City Council direct staff to bring this item back after a year for evaluation.

Councilmember Stark added that the Architectural and Planning Commissions already studied ADUs, and feels this work has already been done and presented to the City Council in full.

City Manager Schultz, City Attorney Larsen, and Mr. Hlady responded to additional questions of the City Council of whether it would be easy for the City to rescind or modify the ordinance once the State has given its approval, documentation given to those interested in building an ADU, if State law changes would just a portion of the ordinance need to be updated or would the ordinance as a whole need to be addressed.

Mayor Calaycay added that ADUs provide an alternative to high density housing that the State is trying to force on cities. He questioned if the City Council should provide in its motion direction to City staff to have a formal review of ADUs in one year.

City Attorney Larsen added that tonight is the first reading and introduction of the proposed ADU ordinance. The City Council is not adopting the ordinance, and is

something that could be included in the Council's motion at the time the second reading is heard and the City Council had adopted the ADU ordinance.

***Councilmember Stark moved to introduce AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF CLAREMONT, AMENDING EXISTING MUNICIPAL CODE CHAPTER 16.333, CURRENTLY ENTITLED "ACCESSORY SECOND UNITS" (#17-CA01), seconded by Councilmember Schroeder, and carried on a roll call vote as follows:***

***AYES: Councilmember – Calaycay, Leano, Reece, Schroeder, Stark***  
***NOES: Councilmember – None***

## **ADMINISTRATIVE ITEM**

### 12. Resolution Declaring an Emergency Shelter Crisis

Anne Turner, Director of Human Services, gave a PowerPoint presentation.

Mayor Calaycay invited public comment.

Joe Lyons, Claremont resident, asked the City to complete and sign up for all available resources through various revenue streams, this one being a State revenue stream.

There were no other requests to speak.

Councilmember Leano thanked former Councilmember Joe Lyons as the opportunity for HEP funds would not be presented to the City Council if it were not for Mr. Lyons lobbying and persistence with the LA County Board of Supervisors.

Councilmember Schroeder complimented Director Turner on her knowledge of homeless in the City and her knowledge of available resources.

Councilmember Stark expressed gratitude to former Councilmember Lyons and Director Turner as it is a privilege to be able to secure the City's fair share of funding, and also contribute to addressing and one day solving the homeless crisis.

Councilmember Reece thanked former Councilmember Lyons for his leadership. This is an opportunity for the City Council to show a commitment to the community and more specifically those in need.

Mayor Calaycay deeply respects all of Councilmember Lyons' actions. He stated that Mr. Lyons and the Human Services staff are instrumental in addressing homelessness in Claremont.

***Councilmember Reece moved to adopt Resolution No. 2019-12, A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF CLAREMONT, CALIFORNIA, DECLARING AN EMERGENCY SHELTER CRISIS, seconded by Councilmember Leano, and carried on a vote as follows:***

***AYES: Councilmember – Calaycay, Leano, Reece, Schroeder, Stark***  
***NOES: Councilmember – None***

## **MAYOR AND COUNCIL**

### Council Assignment Reports

Councilmember Reece reported that he and Mayor Pro Tem Schroeder presented the City's comments to the Metro Committee in regard to the Gold Line.

Mayor Calaycay encouraged all to write letters to the Metro Board to inform them of your position on the Gold Line.

Councilmember Schroeder added that members of the Council and City staff will be attending the next Metro Board meeting on Thursday, January 24.

Mayor Calaycay encouraged all to dump and drain all standing water.

## **ADJOURNMENT**

Mayor Calaycay adjourned the meeting at 10:11 p.m. The next regular meeting of the Claremont City Council will be held on Tuesday, February 12, 2019, at 6:30 p.m. in the Claremont City Council Chamber, 225 Second Street, Claremont.

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Mayor

ATTEST:

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Deputy City Clerk

**CLAREMONT CITY COUNCIL  
MINUTES**

Tuesday, January 29, 2019 - 5:30 p.m.  
City Council Chamber  
225 Second Street, Claremont, California

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**CALL TO ORDER**

Mayor Calaycay called the meeting to order at 5:30 p.m.

**PLEDGE OF ALLEGIANCE**

**ROLL CALL**

**PRESENT** COUNCILMEMBER: CALAYCAY, LEANO, REECE, SCHROEDER, STARK

**ABSENT** COUNCILMEMBER: NONE

**ALSO PRESENT** Tara Schultz, City Manager; Joseph Larsen, Deputy City Attorney; Christopher Paulson, Director of Community Services; Brad Johnson, Director of Community Development; Shelly Vander Veen, Police Chief; Anne Turner, Director of Human Services; Shelley Desautels, City Clerk

**PUBLIC COMMENT**

Mayor Calaycay invited public comment on all agenda items listed as well as items that are not listed on the agenda, but are within the jurisdiction of the City Council.

Suzanne Williams spoke about San Jose Avenue, and shared that speeding on San Jose Avenue is a constant problem. She suggested San Jose Avenue be closed to through traffic; however, has been told by the Police and Fire Departments that they would like to use San Jose Avenue in emergencies.

Karen Rosenthal stated that the information produced by the City about the Clean Power Alliance was inadequate and did not answer questions of the community.

Bob Gerecke asked the City Council to update the City's Urban Forest Management Plan before September 2019, questioned why the Village South Specific Plan is not mentioned until October and if anything will be completed before October, and asked the City Council to accelerate the topic of affordable housing and broaden the topic to include action. Lastly, he stated that Claremont residents are not in the loop and suggested adding an item to the priorities calendar about finding new ways to alert residents of City actions.

Susan Schenk stated that the dates for Earth Day and Arbor Day are listed incorrectly in the priority goals and action items list. Earth Day will take place on April 12, 2019 and Arbor Day will take place on March 30, 2019.

Ginger Elliott, Claremont resident, spoke in support of the list of priorities seen in the City's staff report. She asked the City Council to consider a priority item for neighborhood support, which would include the Safe and Healthy Housing Program.

There were no other requests to speak.

City Manager Schultz responded to questions raised during the public comment period. She responded that the Village South Specific Plan date of October is when the City will circulate the Draft EIR, and the affordable housing review will be for the inclusionary housing plan at Gable Crossing.

Christopher Paulson, Director of Community Services, confirmed that Earth Day will take place on April 14, and Arbor Day will take place on March 30.

Mayor Calaycay clarified that there is no deadline to opt out of the Clean Power Alliance. If one opts out of the Clean Power Alliance, Southern California Edison has a timeframe that a customer must remain and may incur a switching fee to go back to the Clean Power Alliance.

City Manager Schultz will ask a representative from the Clean Power Alliance to attend an upcoming City Council meeting.

## **2019 PRIORITIES WORKSHOP**

### 1. Claremont Core Values

City Manager Schultz gave a PowerPoint presentation and discussed with the Council their ideas for the City's core values.

The City Council confirmed its Claremont Core Values to be 1) Inclusion; 2) Transparency; 3) Preservation and progress; 4) Financial strength; 5) Livability; and 6) Service.

### 2. City of Claremont Mission and Vision Statements

City Manager Schultz gave a PowerPoint presentation.

The City Council discussed a possible mission statement.

Mayor Calaycay invited public comment.

Terry Grill, Claremont resident and representative from the Claremont Wildlands Conservancy, spoke in support of the priority item preserving natural, cultural, and historic resources. She asked that the Claremont Hills Wilderness Park Master Plan continue to be implemented.

Sam Lanni, owner of Feeling Groovy Wellness, would like to start the conversation about cannabis. When Proposition 64 legalized adult use of cannabis, 54% of Claremont voted in support. Currently, the City does not receive any taxable income from cannabis and would like to discuss the possibility of cannabis in the City of Claremont, that would help improve the City's financial state.

Susan Schenk suggested a few words about sustainability be included in the City's mission statement.

Rachel Forester stated that Claremont is a very livable community and asked the City Council to remember that affordable housing is a very important community component. She cautioned the City Council from using the word resident in its mission statement, and suggested the word community be used instead.

Sally Seven, Claremont resident, asked the City Council to include sustainability in its mission statement.

Meg Mathias, Claremont resident and representative of the Friends of the Wilderness Park, spoke in support of the comments made by Ms. Grill regarding the implementation of the Claremont Hills Master Plan. She urged the City Council to continue with the Plan's implementation.

There were no other requests to speak.

The City Council confirmed its new mission statement will be "We are a vibrant, livable, and inclusive community dedicated to quality services, safety, financial strength, sustainability, preservation, and progress."

The City Council agreed to table the vision statement discussion to a later City Council meeting.

The City Council recessed at 7:12 p.m.  
The City Council reconvened at 7:19 p.m.

3. Priority Goals and Action Items

City Manager Schultz gave a PowerPoint presentation.

The City Council added and/or amended the following items to the list of priority goals and action items:

**PRIORITY: PRESERVE OUR NATURAL, CULTURAL, AND HISTORIC RESOURCES**

- On or before March 31, 2019, the Deputy Director of Community Services will present to the City Council for consideration the results of the Polyphagous Shot Hole Borer treatment and recommended next steps in treatment.
- On or before May 31, 2019, the Community Development Director will submit an administrative review draft of the Historic Preservation Ordinance to the City Attorney for review and comment.

**PRIORITY: INCREASE LIVABILITY IN OUR NEIGHBORHOODS AND EXPAND OPPORTUNITIES FOR OUR BUSINESSES**

- On or before June 30, 2019, the City Manager and Assistant City Manager will develop an economic development program with Village Marketing Group, the Chamber of Commerce, Business Improvement District, and other stakeholders to promote economic opportunities in Claremont.
- (Dependent on passage of the City Council Accessory Dwelling Unit ordinance), the Community Development Director and Police Chief will present a report on overnight parking best practices to the Council for consideration and possible direction to send to commissions.

**PRIORITY: ENSURE THE SAFETY OF OUR COMMUNITY**

- On or before December 15, 2019, the Police Chief will present a report card on the Problem Oriented Policing Program (POP).
- On or before March 31, 2019, the Assistant City Manager and Police Chief will present a report on the results of the police station feasibility studies for the City Yard and expansion of existing station

**PRIORITY: PROMOTE COMMUNITY ENGAGEMENT THROUGH TRANSPARENCY AND COMMUNICATION**

- Amend Item No. 8 to include an assessment of staff and commissioners.
- On or before May 30, 2019, the Public Information Officer will present a comprehensive Communication Plan to the City Council.
- On or before June 30, 2019, the City Manager will schedule joint meetings with the Claremont Unified School Board and Colleges.

The City Council will review the final list of priority goals and action items at its February 12, 2019 meeting. After adoption at the February 12, 2019 City Council meeting, the City Council will review the list of priority goals and actions items on a quarterly basis.

**ADJOURNMENT**

Mayor Calaycay adjourned the meeting at 9:40 p.m. The next regular meeting of the Claremont City Council will be held on Tuesday, February 12, 2019, at 6:30 p.m. in the Claremont City Council Chamber, 225 Second Street, Claremont.

\_\_\_\_\_  
Mayor

ATTEST:

\_\_\_\_\_  
Deputy City Clerk

**CLAREMONT CITY COUNCIL  
SPECIAL MEETING MINUTES**

Monday, February 4, 2019 – 5:15 p.m.  
City Council Chamber  
225 Second Street, Claremont, California

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**CALL TO ORDER**

Mayor Calaycay called the meeting to order at 5:15 p.m.

**ROLL CALL**

**PRESENT** COUNCILMEMBER: CALAYCAY, LEANO, REECE, SCHROEDER, STARK

**ABSENT** COUNCILMEMBER: NONE

**ALSO PRESENT** Tara Schultz, City Manager; Joseph Larsen, Deputy City Attorney; Colin Tudor, Assistant City Manager; Shelley Desautels, City Clerk

**Closed Session**

Mayor Calaycay invited public comment.

Ludd Trozpek spoke in support of the readers' comments provided in the Claremont Courier entitled Claremont burning, by Donna Lowe, and Transparency, please, by Jim Belna. Both articles relate to Claremont's possible by-district voting system and the City Attorney's refusal to provide an answer to what threat of litigation the City received under the California Voting Rights Act (CVRA).

There were no requests to speak.

At 5:18 p.m., the City Council recessed to closed session:

**Pursuant to Government Code Section 54656.9(d)(2)**

**CONFERENCE WITH LEGAL COUNSEL – ANTICIPATED LITIGATION  
Two Potential Cases**

The City Council reconvened at 6:30 p.m.

**Closed Session Report**

Mayor Calaycay reported that the City Council authorized the reading of a statement by the City Attorney.

City Attorney Larsen stated that the City received an oral communication in September 2018 from an officer of the Southwest Voter Education Project stating that as soon as the new Council is installed the Southwest Voter Education Project would send a demand letter to the City pursuant to the California Voter Rights Act. The Southwest Voter Education Project is represented by noted California Voter Rights Act Attorney Kevin Shenkman who has successfully sued numerous public agencies. Many of these cases are outlined in tonight's staff report.



**ADJOURNMENT**

At 6:30 p.m., Mayor Calaycay adjourned the meeting.

\_\_\_\_\_  
Mayor

ATTEST:

\_\_\_\_\_  
Deputy City Clerk

**CLAREMONT CITY COUNCIL  
MINUTES**  
Monday, February 4, 2019 - 6:30 p.m.  
City Council Chamber  
225 Second Street, Claremont, California

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**CALL TO ORDER**

Mayor Calaycay called the meeting to order at 6:30 p.m.

**PLEDGE OF ALLEGIANCE****ROLL CALL**

**PRESENT** COUNCILMEMBER: CALAYCAY, LEANO, REECE, SCHROEDER, STARK

**ABSENT** COUNCILMEMBER: NONE

**ALSO PRESENT** Tara Schultz, City Manager; Joseph Larsen, Deputy City Attorney; Christopher Paulson, Director of Community Services; Brad Johnson, Director of Community Development; Shelly Vander Veen, Police Chief; Anne Turner, Director of Human Services; Shelley Desautels, City Clerk

**CLOSED SESSION REPORT**

Mayor Calaycay reported that the City Council authorized the reading of a statement by the City Attorney.

City Attorney Larsen stated that the City received an oral communication in September 2018 from an officer of the Southwest Voter Education Project stating that as soon as the new Council is installed the Southwest Voter Education Project would send a demand letter to the City pursuant to the California Voter Rights Act. The Southwest Voter Education Project is represented by noted California Voter Rights Act Attorney Kevin Shenkman who has successfully sued numerous public agencies. Many of these cases are outlined in tonight's staff report.

**PUBLIC COMMENT**

Mayor Calaycay invited public comment on the item listed on the agenda, as well as items not listed on the agenda but within the subject matter of the City Council.

There were no requests to speak.

**PUBLIC HEARING**

Public Hearing to Receive Public Input and Discuss Potential Transition from At-Large to District Elections, Pursuant to Elections Code 10010(A)(2)

Doug Johnson, National Demographic Company (NDC), gave a PowerPoint presentation.

Mr. Johnson, and Alan Fenstermacher, Rutan and Tucker, responded to questions from the City Council related to the configuration of maps based on comments heard at

tonight's meeting, and if there is a target number needed to be in compliance with the California Voter Rights Act (CVRA).

Mayor Calaycay invited public comment.

Mark Merrit stated that the Colleges seem like an insoluble problem as there are roughly 6,000 individuals that hardly ever vote and understands why that area should be split up as much as possible. He raised concern that if the City moves to districts there will not be competitive Council races, and inquired what would happen if there was no candidate running in that district.

Jim Belna, Claremont resident, believes the City should first address the unanswered question of why the City is supporting a transition to district-based voting. There is no way in knowing if anyone will make a CVRA demand in the near future or at all. He stated there are more than 60 cities in Los Angeles County that plan to keep their at large elections indefinitely or at least until a demand letter is received.

Juan Matute, Claremont resident, stated that he knows the wisdom of having districts and asked the City Council to proceed with the transition to district-based elections. He suggested the City reach out to College students to make sure they are involved and are a part of the community.

Bob Gerecke, Claremont resident, asked that south Claremont not be fragmented into many districts and spoke in support of map 114. He would like to see south Claremont divided equally into two districts to prevent one side from being more dominant than the other.

Jim Keith, Claremont resident, prefers that south Claremont be kept in one district and spoke in support of map 110. He believes it will be easier for candidates to run in a district-based election and is convinced people from south Claremont will step up to represent the neighborhood.

Rose Ash, Claremont resident, raised concern regarding the lack of verticality in some of the proposed maps, and suggested the City Council divide the City vertically and into as many districts as possible.

Michael Keenan expressed his frustration with the map drawing tool as it was difficult to use, and layers could not be placed on top of the map to help draw the districts. He spoke in support of maps 114 and 123.

Lee Kane stated that she was intrigued by voter turnout and participation, and hopes the districts are divided amongst equal voter turnout. She spoke in support of map 124.

Rachel Forester suggested that the proposed districts represent a diversity of zoning. By drawing the districts based on zoning, that would keep the continuity of a neighborhood and makes sure that each Councilmember elected to a district would have many pieces of Claremont inside their district. She spoke in support of map 107.

Chris Naticchia spoke in support of map 101. Map 101 preserves an at large feel, and makes sure all Councilmembers have a stake in the hearts of the community, which are the Claremont Village and the Foothill corridor.

Lynne Marsenich, Claremont resident, stated that she appreciated the statement made by the City Attorney. She spoke in support of map 123 and 124 as they were influenced by voter turnout, and does not share the assumption that there will be noncompetitive races.

Sue Keith, Claremont resident, spoke in support of the comments made by Ms. Forester and Mr. Keith. She would like to see south Claremont kept in one district, but if it must be divided, she would like for the district not to go into the northern part of Claremont.

Jennifer Jaffe was not aware the City Council would be narrowing their picks for maps at tonight's meeting and suggested the City Council prioritize the maps so there could be more public participation. She is interested in the area of Foothill and Mills and likes the idea of vertical districts but is afraid her neighborhood may be consumed by voters in the north and College voters.

Sue Schenk spoke in support of dividing south Claremont into two districts as that would give that area better representation. She also stated that a lot of college students are registered elsewhere and as such the Colleges should be divided into at least three districts, possibly more.

Betty Crocker shared that she was disappointed that the previous City Council chose to move forward with district-based elections based on a verbal threat as explained by the City Attorney. She spoke in support of maps 115 and 125 and is interested in how voting precincts will be drawn for district-based elections.

There were no other requests to speak.

The City Council recessed at 7:35 p.m.

The City Council reconvened at 7:41 p.m.

Mr. Johnson, and Mr. Fenstermacher, responded to questions raised during the public comment period. They responded that if there were no candidates in a district the city Council could hold a special election or appoint a person from that district, map overlays may be possible in 2021, and precincts will be drawn based on the districts.

Mr. Johnson, and Mr. Fenstermacher, continued to respond to questions from the City Council about the opportunities to change the districts, if there was communication with those whose maps had been eliminated, and the safe harbor period allowed under the CVRA.

Mayor Calaycay suggested the City Council discuss and focus on the eight maps mentioned by speakers during the public comment period. Those eight maps are 114, 110, 123, 124, 107, 115, 125.

After discussion, the City Council asked that map 114 be modified to separate Pilgrim Place into two districts and distribute south Claremont equally, map 115 be modified to

adjust district 1, and map 124 be modified to move the district 5 boundary west to include Village South.

The City Council directed staff to move forward with maps 110, 114, 115, 123, 124, and 125 with revisions to maps 114, 115, and 124. The maps proposed by the City Council will be discussed further at the City Council Workshops on Saturday, February 9. The first workshop will take place on February 9, 2019, at 11:00 a.m. at the City's Youth Activities Center. The second workshop will take place on February 9, 2019, at 2:00 p.m. at Claremont Place Senior Living.

### **ADJOURNMENT**

Mayor Calaycay adjourned the meeting at 8:45 p.m. The next regular meeting of the Claremont City Council will be held on Tuesday, February 12, 2019, at 6:30 p.m. in the Claremont City Council Chamber, 225 Second Street, Claremont.

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Mayor

ATTEST:

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Deputy City Clerk



# Claremont City Council

## Agenda Report

File #: 2727

Item No: 3.

TO: TARA SCHULTZ, CITY MANAGER

FROM: BRAD JOHNSON, COMMUNITY DEVELOPMENT DIRECTOR

DATE: FEBRUARY 12, 2019

Reviewed by:

City Manager: TS  
Finance Director: AP

### SUBJECT:

**AUTHORIZATION TO EXTEND A PROFESSIONAL SERVICES AGREEMENT WITH TRANSTECH ENGINEERS, INC., FOR INTERIM BUILDING OFFICIAL, PLAN REVIEW, AND BUILDING INSPECTOR SERVICES**

### SUMMARY

The City's Building Official and Building Inspector both left employment with the City back in June/July 2018. The City has been reviewing options available to replace the vacant positions. Effective July 2, 2018, the City accepted a proposal from TRANSTECH Engineers, Inc. (TRANSTECH) for temporary professional contract services to provide full-time building inspection services, a part-time Chief Building Official, and all Building Division plan check services. The City has recently begun the recruitment process for these two vacant positions, which is anticipated to take three to six months. While the recruitments are in process, staff recommends the extension of the current agreement with TRANSTECH for a period of six months to ensure continuity of Building Official, building inspection and plan check services.

### RECOMMENDATION

Staff recommends that the City Council authorize the City Manager to extend the existing professional services agreement with TRANSTECH Engineers, Inc., for a part-time Chief Building Official, building inspection and plan check services, for a period of six additional months in an amount not to exceed \$400,000.

### ALTERNATIVES TO RECOMMENDATION

In addition to the recommendation, there are the following alternatives:

- A. Continue the discussion of this matter and request additional information.
- B. Do not approve the agreement.

## **FINANCIAL REVIEW**

Costs for the services rendered under this agreement will be offset by General Fund personnel cost savings for the vacant positions, and a percentage of the plan check fees that are collected from developers, architects, contractors, and other applicants that submit construction projects.

The \$400,000 in compensation proposed for the six-month extension assumes eight hours per week of professional Building Official services at a total cost of \$29,120; 38 hours per week of building inspection services at a total cost of \$83,980; and \$286,900 in pass-through plan check fees. Plan check fees passed through to TRANSTECH are based on approximately \$400,000 in anticipated plan check revenues, of which seventy percent is payable to TRANSTECH under the terms of the agreement. Should actual plan check revenues be lower, then the payments to TRANSTECH would also be correspondingly lower.

This is a professional services contract, which does not require bidding and complies with all City and State purchasing guidelines.

The staff cost to prepare this report is \$500, and is also included in the operating budget of the Community Development Department.

## **ANALYSIS**

The Building Official and Building Inspector both left employment with the City back in June/July 2018 for other opportunities. Since that time, the City has been exploring whether it would be advantageous to contract out certain building division services. At this time, the City feels it is necessary to continue with both the Building Official and Building Inspector as City employees. As the City recently began the recruitment process, it is anticipated the recruitment process shall take three to six months to complete. The City believes that we will be successful at this time in our recruitment efforts for staff that are a good fit for Claremont.

Although the City is recruiting for a Building Official, it may be necessary to contract with a professional firm to provide supplemental plan check services as necessary. If the successful Building Official is not able to provide a certain plan check service, that service would be contracted for on a case by case basis.

The six-month extension of the TRANSTECH agreement allows ample time for the City to complete the recruitment for the Building Official and Building Inspector.

## **RELATIONSHIP TO CITY PLANNING DOCUMENTS**

Staff has evaluated the agenda item in relationship to the City's strategic and visioning documents and finds the following:

**Council Priorities** - This item does not apply to the Council Priority items for 2018.

**Sustainability Plan** - This item does not apply to the Sustainability Plan.

**Economic Sustainability Plan** - This item does not apply to the recommendations outlined in the Economic Sustainability Plan.

**General Plan** - This item addresses the following goals of the General Plan:

Goal 6-2: Minimize the risk of injury, loss of life, and damage to property resulting from natural and human-caused disasters and conditions.

Goal 6-4: Minimize risks to public safety from seismic events.

Goal 6-5: Minimize risks to public safety from geologic events.

**2018-19 Budget** - This item meets the Community Development Work Plan Goal CD-8: Ensure the safety of buildings in Claremont.

**Youth and Family Master Plan** - This item does not apply to the objectives in the Youth and Family Master Plan.

### **CEQA REVIEW**

This item (approving a contract for consulting services) is not subject to environmental review under the California Environmental Quality Act (CEQA) pursuant to CEQA Guidelines Section 15060(c)(2) (the activity will not result in a direct or reasonably foreseeable indirect physical change in the environment) and Section 15060(c)(3) (the activity is not a “project” as defined in section 15378). CEQA Guidelines Section 15378(b)(2), (4), and (5) excludes “[c]ontinuing administrative ... activities,” “government fiscal activities, which do not involve any commitment to any specific project, which may result in a potentially significant physical impact on the environment,” and “[o]rganizational or administrative activities of governments that will not result in direct or indirect physical changes to the environment” from its definition of “project.”

Even if this item were a “project,” it is covered by the general rule that CEQA applies only to projects that have the potential for causing a significant effect on the environment in accordance with Section 15061(b)(3) of the Guidelines. Entering into a contract for consulting services will not, in and of itself, result in any physical changes to the environment. Prior to any development projects being approved, they will be reviewed pursuant to CEQA. Therefore, no additional environmental review is needed at this time.

### **PUBLIC NOTICE PROCESS**

This item has been noticed through the regular agenda notification process. Copies are available at the City Hall public counter, the Youth Activity Center, the Alexander Hughes Community Center, and the City website.

Submitted by:

Brad Johnson  
Community Development Director





# Claremont City Council

## Agenda Report

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**File #:** 2757

**Item No:** 4.

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**TO:** TARA SCHULTZ, CITY MANAGER  
**FROM:** COLIN TUDOR, ASSISTANT CITY MANAGER  
**DATE:** FEBRUARY 12, 2019

**Reviewed by:**  
City Manager: TS  
Finance Director: AP

**SUBJECT:**

**CITY COUNCIL WORKSHOP SUMMARY AND ACTION ITEM PLAN**

**SUMMARY**

On January 29, 2019, the City Council held its annual Council Priority Workshop. At the workshop, the City Council created a list of Core Values, a City Mission Statement, and Priority Goals. The values, mission statement and goals will be used to guide the development of projects, programs, and services in 2019.

In addition, staff presented an Action Item Plan listing the descriptions of projects for 2019 with key staff and deadlines identified. The City Council added nine action items to the list presented by staff. Staff will update the Action Item Plan quarterly and report back to the City Council and public with project updates.

**RECOMMENDATION**

Staff recommends the City Council approve the Core Values, Mission Statement, Priority Goals, and 2019 Action Item Plan.

**FINANCIAL REVIEW**

The staff cost to prepare and administer this report is estimated at \$625 and is included in the operating budget of the Administrative Services Department.

**ANALYSIS**

On July 4, 2018, the City launched a public engagement campaign to gather the community's input on a list of core values for the community. Community responses were gathered through the City

website, surveys, social media, special events, and a poster contest for Claremont third grade students. In total, the City received over 269 responses.

Staff compiled a summary report of the outreach efforts and presented it to the City Council on January 29, 2019. At the Council Priority Workshop, staff presented a list of common core value themes from the outreach efforts. The City Council discussed the list and created a list of Core Values for the City. The Core Values, presented alphabetically, are:

- Financial Strength
- Inclusion
- Livability
- Preservation and Progress
- Service
- Transparency

Following creation of the Core Values list, the City Council discussed concepts for a new City Mission Statement. The City Council drafted the following Mission Statement:

***“We are a vibrant, livable, and inclusive community dedicated to quality services, safety, financial strength, sustainability, preservation, and progress.”***

The City Council also approved six Priority Goals, based on the City Council’s previous priorities:

- Maintain financial stability
- Preserve our natural, cultural, and historic resources
- Invest in the maintenance and improvement of our infrastructure
- Increase livability in our neighborhoods and expand opportunities for our businesses
- Ensure the safety of our community through community based policing and emergency preparedness
- Promote community engagement through transparency and communication

Under each Priority Goal, staff identified major projects for 2019 that furthered the goal. The projects were compiled in an Action Item Plan and presented to the City Council at the workshop. City Council members discussed the items, asked questions, and gave input on the items. The City Council also added nine additional action items, bringing the total number of action items to 74 (Attachment). Following the meeting, Freeman Allen from Sustainable Claremont requested the Council consider a revision to the preservation priority to read “Enhance environmental sustainability and preserve our natural, cultural, and historic resources.” He also requested Council consideration of an additional action item of analyzing the prospect of becoming a net zero energy city.

If the final list of action items is approved by the City Council, staff will bring back quarterly reports to the City Council, with project updates beginning in April 2019.

## **RELATIONSHIP TO CITY PLANNING DOCUMENTS**

Staff has evaluated the agenda item in relationship to the City’s strategic and visioning documents and finds the following:

**Council Priorities** - This item addresses all the Council Priorities

**Sustainability Plan** - This item does not apply to the Sustainability Plan.

**Economic Sustainability Plan** - This item does not relate to this plan.

**General Plan** - This item does not relate to the General Plan.

**2018-19 Budget** - This item meets the following City Manager's Office and Administrative Services Department's Work Plan Goals:

CP-1: Implement applicable items on the City Council Priority List.

CM-11: Direct all department activities to ensure implementation of City Council priorities.

**Youth and Family Master Plan** - This item does not relate to the Youth and Family Master Plan.

### **CEQA REVIEW**

This item is not subject to environmental review under the California Environmental Quality Act (CEQA) pursuant to CEQA Guidelines Section 15060(c)(2) (the activity will not result in a direct or reasonably foreseeable indirect physical change in the environment) and Section 15060(c)(3) (the activity is not a "project" as defined in Section 15378). CEQA Guidelines Section 15378(b)(2) and (5) excludes "[c]ontinuing administrative or maintenance activities," and "[o]rganizational or administrative activities of governments that will not result in direct or indirect physical changes to the environment" from its definition of "project."

Even if this item were a "project," it would be exempt from environmental review under CEQA Guidelines Section 15061(b)(3)'s "general rule" that CEQA applies only to projects that have the potential for causing a significant effect on the environment. Here, it can be seen with certainty that there is no possibility that this item, in and of itself, will have a significant effect on the environment. On its own, this action will not result in any physical changes to the environment.

Submitted by:

Colin Tudor  
Assistant City Manager

Prepared by:

Bevin Handel  
Public Information Officer

Attachment:

2019 Action Item Plan

PRIORITY: PRESERVE OUR NATURAL, CULTURAL, AND HISTORIC RESOURCES							
#	WHEN	WHO/LEAD	WHAT	STATUS			COMMENTS
				DONE	ON TARGET	REVISED	
1.	Feb 28 2019	Community Services Director (LEAD); and Public Info Officer	Will coordinate the community outreach and implementation for the new Clean Power Alliance (CPA) energy rollout program				
2.	March 1 2019	City Manager and Community Development Director (LEAD)	Will review applications submitted by Claremont Heritage for historic resource registration				
3.	March 31, 2019	Deputy Director (LEAD)	Will present to City Council for consideration the results of the Polyphagous Shot Hole Borer treatment and recommend next steps in treatment.				
4.	April 30 2019	Community Development Director	Will prepare template format for Neighborhood Surveys detailing neighborhood characteristics				
5.	May 1 2019	Community Services Director	Will recommend for City Council consideration hiring an energy efficiency firm to conduct a comprehensive energy audit of all City facilities				
6.	May 31, 2019	Community Development Director	Will submit an administrative review draft of the Historic Preservation Ordinance to the City Attorney offices for review and comment				
7.	June 30 2019	Community Services Director (LEAD); and community volunteers	Will plant 684 trees				

8.	June 30 2019	Human Services Director (LEAD); and Comm Development Dept	Will open Evey Canyon to the public				
9.	Sept 19 2019	Deputy Comm Services Director	Will present the Draft of the Urban Forest Management Plan to Committees and Commissions.				
10.	Oct 30 2019	Community Services Director (LEAD); and Deputy CS Director	Will complete the Sustainability Committee's "Sustainability Plan" and present it to the City Council.				
11.	Dec 31 2019	Human Services Director (LEAD); and Comm Development Dept	Will begin the annexation of 463 acres of Evey Canyon and other parcels into the Claremont Hills Wilderness Park (CHWP) and the City of Claremont				

## PRIORITY: MAINTAIN FINANCIAL STABILITY

#	WHEN	WHO/LEAD	WHAT	STATUS			COMMENTS
				DONE	ON TARGET	REVISED	
1.	April 9 2019	Finance Director (LEAD); and City Manager	Will present the recommendations of the Future Financial Opportunities Committee (FFOC) on the options for new sources of revenue and/or adjustments to expenditures that could help to ensure the long-term stability of the General Fund to City Council				
2.	April 30 2019	Each Dept Head	Will evaluate five of the largest Contracts for potential re-bid/re-scoping for savings				
3.	May 31 2019	Community Services Director (LEAD); Finance Director; and City Attorney	Will complete Sewer Fee Study as part of the User Fee Schedule approval process				
4.	June 11 2019	Finance Director	Will present an updated comprehensive city-wide User Fee Schedule to the City Council, incorporating adjustments to User Fees according to the Consumer Price Index (CPI) – (Implement July 1, 2019)				
5.	June 11 2019	Finance Director (LEAD); and City Manager	Will present a balanced General Fund operating budget to the City Council for 2019-20 FY				
6.	June 11 2019	Finance Director (LEAD); and City Manager	Will present a Capital Improvement Project (CIP) budget to the City Council that maximizes the use of available non-General Fund funding and addresses the highest priority deferred maintenance items and projects				
7.	June 11 2019	Finance Director (LEAD); and City Manager	Will bring forward to the City Council the recommendation of the Police Station Citizens Advisory Committee (PSCAC) on the funding mechanisms for a new or renovated Police Station				

8.	June 30 2019	Assistant City Manager (LEAD); and Personnel Manager	Will complete negotiations with the six employee groups				
9.	June 30 2019	Assistant to the City Manager	Will negotiate a new Chamber of Commerce Agreement and present it to the City Council for approval				
10.	June 30 2019	Finance Director (LEAD); and Accounting Assistant	Will work to increase enrollment in the City's on-line billing program, bringing enrollment from 31% to 36% (increase of approximately 450 new enrollees)				
11.	June 30 2019	Finance Director (LEAD); and Accounting Assistant	Will contact all known unlicensed businesses to achieve compliance with the City's Business License requirements – to realize a 3% increase in Business License compliance				

## PRIORITY: INVEST IN THE MAINTENANCE AND IMPROVEMENT OF OUR INFRASTRUCTURE

#	WHEN	WHO/LEAD	WHAT	STATUS			COMMENTS
				DONE	ON TARGET	REVISED	
1.	April 1 2019	Community Services Director	Will recommend to the City Council for consideration an award of contract for a street striping project				
2.	March 31 2019	Comm Development Director	Will present to the City Council for their consideration a Complete Streets Policy				
3.	May 1 2019	Community Services Manager (LEAD); and Supervisor	Will work closely with consultant Tanko to finalize the street light purchase from Southern California Edison (SCE).				
4.	May 31 2019	Community Services Director	Will recommend to the City Council for consideration an award of contract for the Sidewalk Rehabilitation Project				
5.	May 31 2019	Community Services Director	Will complete Phase 1 of the 5-year Sewer Rehabilitation Project				
6.	June 30 2019	Community Services Director	Will present design options for Bus Shelters with enhanced design features to Committees and Commissions				
7.	July 1 2019	Community Services Director	Will present a Notice Inviting Bids (NIB) for the Memorial Park Lighting Project for City Council consideration				
8.	July 1 2019	Community Services Director	Will develop a design concept for a new Cremation Garden at Oak Park Cemetery				



9.	Sept 30 2019	Human Services Director	The Senior Program will complete the annual Friends Campaign for enhancements, including tables, dishwasher, chairs, and coffee lounge				
10.	Sept 30 2019	Human Services Director	Will complete Lease amendment with Claremont Museum of Art for Phase 2 of the Depot				
11.	Dec 30 2019	City Engineer	Will provide a final inspection and create a punch-list of items for Gentry Bros for the Foothill Blvd Improvement Project				
12.	Dec 30 2019	City Engineer	Will complete the renewal process for the Santa Ana and San Gabriel Watershed annual permit				

## PRIORITY: INCREASE LIVABILITY IN OUR NEIGHBORHOODS AND EXPAND OPPORTUNITIES FOR OUR BUSINESSES

#	WHEN	WHO/LEAD	WHAT	STATUS			COMMENTS
				DONE	ON TARGET	REVISED	
1.	Feb 5 2019	Community Development Director	Will present to the City Council for consideration the Accessory Dwelling Unit (ADU) Ordinance				
2.	March 15 2019	Human Services Director	Will present an update on homeless services as outlined in the City's Homeless Plan				
3.	May 1 2019	Community Development Director	Will present a new car dealership application for the Auto Center to the Architectural and Planning Commissions				
4.	TBD	Community Development Director/Police Chief	Will present a report on overnight parking best practices to the Council for consideration and possible direction to send to commissions. <i>Contingent on passage of ADU ordinance within 90 days</i>				
5.	June 11 2019	Community Development Director (LEAD); City Engineer	Will modify the existing Residential Parking Permit Policy to include a notification policy section that includes properties that front the requested zone and the adjacent street sections that may be affected by parking impacts				
6.	June 30 2019	Human Services Director	Will bring funding recommendations to the City Council for 2019-20 Community Based Organization (CBO) and Homeless Grant Program				
7.	Sept 30 2019	Community Development Director	Will circulate for public review the Draft Environmental Impact Report (DEIR) for The Commons Project				

8.	Oct 31 2019	Community Development Director	Will circulate for public review a Draft Environment Impact Report (DEIR) for the Village South Specific Plan (VSSP)				
9.	Dec 19 2019	Community Development Director	Will review the Inclusionary Housing Plan and inspect 50% of the completed residential units for Gable Crossing's 60 units				
10.	June 30 2019	City Manager/Ass istant City Manager	Will develop an economic development program with Village Marketing Group, the Chamber of Commerce, Business Improvement District, and other stakeholders to promote economic opportunities in Claremont				

# PRIORITY: ENSURE THE SAFETY OF OUR COMMUNITY

#	WHEN	WHO/LEAD	WHAT	STATUS			COMMENTS
				DONE	ON TARGET	REVISED	
1.	Feb 28 2019	Police Chief	Will hold a 6-week Citizens Academy to increase understanding of Police Department and promote citizen interaction with Police Department				
2.	March 1 2019	Police Chief	Will present purchasing request to the City Council to utilize \$93,124 in grant funding from 2017 State Homeland Security Programs to purchase Motorola hand-held radios				
3.	March 31 2019	Assistant City Manager/ Police Chief	Will present report on the results of the police station feasibility studies for the City Yard and expansion of existing station				
4.	July 1 2019	Police Chief	Will conduct Active Shooter training with campus safety				
5.	June 1 2019	Police Chief	Will provide crime analysis in an effort to reduce crime incidents and deploy resources accordingly. Crime statistics for the prior year (2018), reflecting these efforts, will be presented to the City Council.				
6.	July 1 2019	Police Chief	PD staff will pursue a grant to update the Hazard Mitigation Plan				
7.	Sept 30 2019	Police Chief	Will identify potential curriculum alternatives for the D.A.R.E. program and present to the Police Commission and the joint Council and CUSD Board meeting				
8.	Oct 1 2019	Police Chief	Will submit applications to pursue grants from the Department of Alcohol Beverage Control (ABC) and the State Office of Traffic Safety (OTS). Funding from these grants will be used to stop illegal alcohol sales, reduce DUI related accidents through active DUI roving patrols				

			and DUI checkpoints, and improve the overall safety of our streets for pedestrians, bicyclists, and motoring public.				
9.	Nov 1 2019	Police Chief	The City Emergency Management Team (CEMT) will coordinate an internal city-wide disaster exercise				
10.	Dec 1 2019	Police Chief	The City Emergency Management Team (CEMT) will coordinate vendor selection for supply purchases following an emergency				
11.	Dec 15 2019	Police Chief	Will conduct basic Community Emergency Response Team (CERT) training and five neighborhood emergency preparedness trainings				
12.	Dec 15 2019	Police Chief	Will present a present a report card on the Problem Oriented Policing Program (POP)				
13.	ongoing	City Manager	Will pursue grant funding to complete all safety and seismic improvements to the current police station				

# PRIORITY: PROMOTE COMMUNITY ENGAGEMENT THROUGH TRANSPARENCY AND COMMUNICATION

#	WHEN	WHO/LEAD	WHAT	STATUS			COMMENTS
				DONE	ON TARGET	REVISED	
1.	Feb 25 2019	Human Services Director	Will present a calendar of community special events including the <i>Making Change Contest, Kids Concert Series, Spring Celebration, and Independence Day, Concerts in the Park, Halloween Spooktacular, and Holiday Promenade.</i>				
2.	March 1 2019	Asst to the City Manager (LEAD); and Public Info Officer	Will create a <i>City Academy</i> framework and associated presentations				
3.	March 1 2019	Public Info Officer (LEAD); and Finance Director	Will develop and implement an education campaign on the City's Budget process				
4.	March 30 2019	Comm Services Director	Will present <i>Arbor Day</i> , along with Sustainable Claremont				
5.	April 14 2019	Comm Services Director	Will host <i>Earth Day</i> , along with Sustainable Claremont				
6.	May 30, 2019	Public Information Officer; and City Manager	Will present a updated Communication Plan to the City Council for consideration				
7.	June 30 2019	Public Info Officer	Will distribute educational materials on the Police Station improvement process				

8.	June 30 2019	City Manager	Will schedule joint meetings with School Board and Colleges				
9.	July 4 2019	Human Services Director	Will host <i>Independence Day Celebration</i>				
10.	July 30 2019	City Clerk (LEAD); and City Attorney	Will construct updated City Council Norms including an assessment survey and Best Practices, and incorporate Commission Norms so that all standards are contained in one document				
11.	Sept 1 2019	Police Chief (LEAD); and Public Info Officer	Will establish Police Department social media presence and upgrade PD webpages				
12.	Oct 31 2019	Comm Services Director (LEAD); and CMO staff	Will host an Open House at the City Yard to showcase services available to the community				
13.	Oct 31 2019	Public Info Officer (LEAD); and PIO Assistant	Will complete an audit of the City's website and make improvements to the content and design, in compliance with new ADA and public records requirements				
14.	Nov 30 2019	City Clerk (LEAD); CMO staff; and LA Co Clerk	Will roll out a new voting system to the Claremont community, consisting of educational materials and community demonstration with outreach to community groups and schools				
15.	Dec 1 2019	Police Chief	Will provide Drug Abuse Resistance Education (DARE) curriculum to all 5 <sup>th</sup> -graders				
16.	Dec 15 2019	Police Chief	Will hold events focused on promoting community oriented policing, including <i>National Night Out</i> ; <i>Movies in the Park</i> ; <i>Keeping Good in the Neighborhood</i> (KGNH) Toy Drive and <i>PD Open House</i>				

17.	Dec 30 2019	Comm Services Director	Will host three Tree Steward workshops for community volunteers				
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# Claremont City Council

## Agenda Report

**File #:** 2744

**Item No:** 5.

**TO:** CITY COUNCIL

**FROM:** JOSEPH LARSEN, ACTING CITY ATTORNEY

**DATE:** FEBRUARY 12, 2019

**Reviewed by:**  
City Manager: TS  
Finance Director: AP

**SUBJECT:**

**PUBLIC HEARING TO RECEIVE PUBLIC INPUT AND DISCUSS POTENTIAL TRANSITION FROM AT-LARGE TO DISTRICT ELECTIONS, PURSUANT TO ELECTIONS CODE SECTION 10010(A)(2)**

**SUMMARY**

At its November 27, 2018 meeting, the City Council adopted Resolution No. 2018-67 (Attachment A) expressing its intention to move from its current at-large method of election for City Councilmembers to a by-district system, pursuant to Government Code Section 34886 and Elections Code Section 10010. This February 12, 2019 hearing is the fourth public hearing that must be held before an ordinance approving and implementing a by-district method of election can be adopted, and the second of two hearings where the City Council considers and discusses draft voting district maps.

The transition to district elections - which has become the trend in many cities throughout California - is to ensure all voters have equal representation, greater access, and that the City's elections are as fair as possible. Further, in recent years, voter rights advocates have successfully forced cities into districting by threatening or bringing challenges under the California Voting Rights Act (CVRA)(Elec. Code §§ 14025-14032). No City has ever successfully defended itself from a CVRA lawsuit, which have cost cities millions in legal fees, only to result in an eventual transition to district elections anyway. Provided as an attachment for reference is a table showing the results of CVRA litigation (Attachment B). By voluntarily initiating the process of districting now, the City can avoid costly legal fees and maintain local control over the districting process.

Pursuant to Elections Code section 10010, two public hearings must be held before any draft maps are drawn and presented to the City Council - those hearings were held on January 8 and 17, 2019. The purpose of this hearing is for the City Council to consider, discuss and receive public comment regarding draft district maps submitted by the public and drawn by the City's demographer, National Demographics Corporation ("NDC"), as well as the potential sequencing of elections during the transition to districts (Attachment C).

Following the January 8, 2019 City Council hearing, the City launched its online redistricting tool, a web-based tool for drawing voting districts that is accessible to the public. Paper maps have also been provided to the public, both at City Hall and in printable PDF format on the City's website. (See, <https://www.ci.claremont.ca.us/government/district-election-transition/district-mapping>). At its February 4, 2019 public hearing, the City Council considered thirteen draft voting maps and selected six maps (along with three revised versions of those maps) for focused consideration. The City Council will be presented with these "focus" draft maps and all qualified, additional maps submitted by the public between January 22, 2019 and February 4, 2019. These maps were publicly posted on the City's website seven days prior to this hearing at <https://www.ci.claremont.ca.us/government/district-election-transition/draft-district-maps>, pursuant to Elections Code section 10010(a)(2).

## **RECOMMENDATION**

Staff recommends that the City Council:

- A. Consider, discuss, and receive public comment regarding the content of the draft voting district maps and the potential sequence of elections; and
- B. Select a draft voting map and election sequence for adoption.

## **FINANCIAL REVIEW**

The estimated cost of the transition to district elections, which consists of hiring a demographer (NDC) and additional City Attorney time, will be approximately \$75,000, including the four additional public workshops, which would be attended by the City's demographer, as proposed herein. The City Council already appropriated these funds at its November 27, 2018 and January 8, 2019 hearings.

The ultimate cost of attempting to retain the City's current at-large method of election could potentially be in the millions of dollars and have a significant impact on the City's General Fund reserve balance.

## **ANALYSIS**

### **Background**

The CVRA was enacted in 2002 with the specific intent of eliminating several key burden of proof requirements that exist under the Federal Voting Rights Act of 1965 (FVRA). Before the enactment of the CVRA, several jurisdictions in California successfully defended themselves in litigation brought under the FVRA. By contrast, over the relatively short history of the CVRA, and only after an initial constitutional challenge was resolved in 2006, public agencies have paid over \$16 million to CVRA plaintiff attorneys.

The City of Modesto, which challenged the CVRA's constitutionality, ultimately paid \$3 million to the plaintiffs' attorneys. The City of Palmdale, which also aggressively litigated a CVRA claim, ultimately paid \$4.5 million in attorneys' fees. More recently, in 2018, the City of Santa Clara lost a CVRA trial, and the plaintiffs are seeking over \$4 million in attorneys' fees. The City of Santa Monica also lost a CVRA trial in 2018, with its yet to be determined costs, sure to be in the millions of dollars. More importantly, these figures do not include the tens of millions of dollars government agency defendants have paid their own attorneys and associated defense costs. Also important to note is that these cities - like all other CVRA defendants - ultimately ended up converting to district elections.

## The City's Process for Adopting By-District Elections

The City's transition to by-district elections is not based on any admission or concession that the City would ultimately be found to have violated the CVRA; rather, the risks and costs associated with protracted CVRA litigation - particularly in light of results in all other cities that have fought to retain at-large voting - cannot be ignored. The public interest may be ultimately better served if the City converts to a by-district electoral system if converting to that system avoids a significant attorneys' fees and cost award, as well as significant sums paid to the City's own attorneys and consultants. Further, district elections are becoming the trend in California, because some experts believe district elections increase public access and result in fairer elections.

As required by Elections Code section 10010, Resolution No. 2018-67 also set forth a tentative schedule for the required public hearings. The first two hearings, held on January 8 and 17, 2019, were required to be conducted for the purpose of receiving public comment regarding the composition of the yet to be formed voting districts before any draft maps are considered by the City Council. In addition to the hearings, the City scheduled two public workshops on January 13, 2019 to gather public input. At these workshops and hearings, both the public and the City Council provided NDC with direction regarding the composition of the yet to be drafted voting district maps, which NDC incorporated into the draft maps presented to the City Council at its February 4, 2019 hearing, along with the maps timely submitted by the public. In particular, at its January 17, 2019 hearing, the City Council decided to only consider maps with five councilmember districts with a rotating mayor, pursuant to Government Code section 34871(a).

Prior to the January 22, 2019 deadline for the February 4, 2019 hearing, a total of 31 maps were submitted by the public, but nine were duplicates, leaving 22 original maps. Ten of these maps met the minimum requirements for adoption. An additional three maps were drawn by NDC, leaving 13 complete draft voting district maps for the City Council to consider. The City Council selected six maps for further consideration, and requested modifications to three maps - 114, 115, and 124. The revised versions are attached hereto as 114a, 115a, and 124a (Attachment C).

Following the February 4, 2019 hearing, and while not required by law, the City held two public workshops on Saturday, February 9, 2019 at 11:00 am (at the Youth Activities Center) and 2:00 pm (at Claremont Place Senior Living) to allow the public to provide additional input on the draft maps and districting process. The City also publicized the public input process through the City Letter, City Manager Weekly newsletter, social media, Nextdoor, and local media.

The purpose of this February 12, 2019 hearing is for the City Council to hold its second public hearing to take input and discuss draft voting district maps and sequence of elections. The City did not receive any maps from the public between January 22, 2019 and February 4, 2019, leaving the above-discussed "focus" maps (and revised maps) for City Council discussion and consideration at this hearing. However, nothing precludes the City Council from reconsidering a previously eliminated map, which are all included herewith, in addition to the "focus" maps (Attachment C).

Finally, staff recommends that the City Council select a draft map and election sequence to incorporate into the ordinance adopting a by-district method of election. The first reading of that ordinance is the next item of the City Council's agenda.

## **RELATIONSHIP TO CITY PLANNING DOCUMENTS**

Staff has evaluated the agenda item in relationship to the City's strategic and visioning documents and finds the following:

**Council Priorities** - This item does not relate to the Council Priorities.

**Sustainability Plan** - This item does not relate to the Sustainability Plan.

**Economic Sustainability Plan** - This item does relate to the Economic Sustainability Plan.

**General Plan** - This item does relate to the General Plan.

**2018-19 Budget** - This is an unbudgeted item, and therefore does not relate to the 2018-19 Budget.

**Youth and Family Master Plan** - This item does not relate to the Youth and Family Master Plan.

## **CEQA REVIEW**

In accordance with the California Environmental Quality Act (CEQA), this matter is covered by the general rule that CEQA applies only to projects that have the potential for causing a significant effect on the environment in accordance with Section 15061(b)(3) of the Guidelines. The proposed action, beginning the transition from at-large to by-district elections, does not result in a physical change to the environment that can be associated with the action. Therefore, CEQA does not apply, and no environmental review is needed.

## **PUBLIC NOTICE PROCESS**

This item has been noticed through the regular agenda notification process. Copies are available at the City Hall public counter, the Youth Activity Center, the Alexander Hughes Community Center, and the City website.

Submitted by:

Joseph Larsen  
Acting City Attorney

Reviewed by:

Tara Schultz  
City Manager

### Attachments:

- A - City Council Resolution 2018-67
- B - Table of Results of CVRA Litigation
- C - Draft Voting District Maps

## RESOLUTION NO. 2018-67

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF CLAREMONT, CALIFORNIA, EXPRESSING THE CITY COUNCIL'S INTENTION, PURSUANT TO ELECTIONS CODE SECTION 10010(e)(3)(A), TO INITIATE PROCEDURES FOR ESTABLISHING AND IMPLEMENTING BY-DISTRICT ELECTIONS FOR CITY COUNCIL MEMBERS**

**WHEREAS**, the City of Claremont, California ("City") is a general law city, duly organized under the constitution and laws of the State of California; and

**WHEREAS**, the members of the Claremont City Council are currently elected in at-large elections, in which each City Council member is elected by all registered voters of the entire City; and

**WHEREAS**, Section 34886 of the Government Code authorizes any city to change to a by-district system or by-district system with an elective mayor without the need to put such a change to voters; and

**WHEREAS**, the City Council has determined that it is in the best interest of the City to move from its current at-large electoral system to a by-district election for members of the City Council, in response to the provisions of the California Voting Rights Act; and

**WHEREAS**, the City intends to make this transition from an at-large system to a by-district system in accordance with the procedural rules outlined in Government Code Section 34886 and Elections Code 10010; and

**WHEREAS**, the City will begin by working with an experienced demographer to assist the City in establishing maps for a by-district electoral system; and

**WHEREAS**, before drawing a draft map of the proposed boundaries of the districts, the City will hold at least two (2) public hearings over no more than thirty (30) days, at which time the public is invited to provide input regarding the composition of the districts; and

**WHEREAS**, the City will then publish and make available for release at least one (1) draft map of the new electoral districts, including the potential sequence of elections shown; and

**WHEREAS**, once the draft map(s) have been publicized for at least seven (7) days, the City will hold at least two (2) additional public hearings, over no more than forty-five (45) days, at which time the public is invited to provide input regarding the content of the draft map and the proposed sequence of elections prior to the public hearing at which the City Council adopts a map; and

**WHEREAS**, if a draft map is revised at or following a public hearing, the revised map will be published and made available to the public at least seven (7) days before the City chooses to adopt it; and

**WHEREAS**, in determining the final sequence of staggered district elections, the City Council will give special consideration to the purposes of the CVRA, and will take in to account the preferences expressed by the members of the districts; and

**NOW, THEREFORE, BE IT RESOLVED** by the City Council of the City of Claremont, California as follows:

**SECTION 1.** The above recitals are true and correct and are incorporated herein by this reference.

**SECTION 2.** The City Council hereby resolves, pursuant to Elections Code section 10010, to adopt a by-district election system by ordinance as authorized by California Government Code section 34886, for use in the City's General Municipal Election for City Council Members.

**SECTION 3.** The City Council further resolves to retain a qualified demographer, hold at least five (5) public hearings and publish at least one (1) draft map and staggering sequence, pursuant to the tentative, proposed hearing schedule attached hereto as Exhibit "1".

**SECTION 4.** The city's redistricting/demographic consulting firm, acting under the supervision of the City Manager, is hereby authorized to direct and formulate one or more electoral district scenarios for review by the public and City Council at two or more public hearings if necessary, in accordance with the City's proposed timeline.

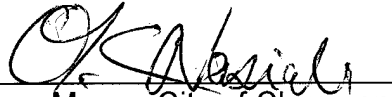
**SECTION 5.** Working with the demographic consulting firm, staff is directed to publicize relevant maps, information, notices, agendas and other materials regarding by-district elections and to establish means of communication to answer questions from the public.

**SECTION 6.** All public hearings shall be noticed on the City's website, and in addition, as follows: posting on the City's website at least ten (10) calendar days in advance of the hearing and publication at least ten (10) days in advance of the hearing in the newspaper adjudicated to provide notice within the City.


**SECTION 7.** The City Manager is authorized to take any and all other necessary actions to give effect to this Resolution.

**SECTION 8.** This Resolution shall become effective immediately upon its adoption.


**PASSED, APPROVED AND ADOPTED** on this 27<sup>th</sup> day of November 2018.

  
Mayor, City of Claremont

ATTEST:

  
\_\_\_\_\_  
City Clerk, City of Claremont

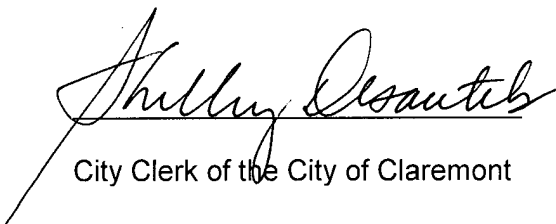
APPROVED AS TO FORM:

  
\_\_\_\_\_  
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 Resolution No. 2018-67 was regularly adopted by the City Council of said City of Claremont at a regular meeting of said Council held on the 27<sup>th</sup> day of November, 2018, by the following vote:

AYES:	COUNCILMEMBERS:	CALAYCAY, LYONS, NASIALI, SCHROEDER
NOES:	COUNCILMEMBERS:	NONE
ABSTENSIONS:	COUNCILMEMBERS:	NONE
ABSENT:	COUNCILMEMBERS:	PEDROZA

  
City Clerk of the City of Claremont



## Exhibit "1"

### District Election Timeline

November 27, 2018	<b>Public Meeting</b> City Council adopts resolution setting forth intention and timeline for adopting by-district elections.
January 8, 2019	<b>Public Hearing No. 1</b> Overview of the process and city demographics. Gather input from public to be used in establishing options for district boundaries. Adopt resolution setting forth mandatory and permissive districting criteria.
January 17, 2019	<b>Public Hearing No. 2</b> Second hearing to gather input from public to be used in establishing options for district boundaries.
Minimum 7 days before third public hearing	Draft maps available for public review.
February 4, 2019	<b>Public Hearing No. 3</b> Public hearing to discuss and take public comment on draft maps and proposed sequence of elections.
February 12, 2019	<b>Public Hearing No. 4</b> Second public hearing to discuss and take public comment on draft maps and proposed sequence of elections. <b>Public Hearing No. 5</b> Introduce ordinance for first reading establishing by-district elections, district boundaries and transition plan/sequence of elections.
February 26, 2019	<b>Public Meeting</b> Second reading and adoption of ordinance establishing by-district elections, district maps and transition plan/sequence of elections.

<u>City/Political Subdivision Defendant</u>	<u>Settlement Conditions</u>	<u>Attorneys' Fees</u>	<u>Notes</u>
City of Palmdale	Agreed to have voters choose elected officials by districts, including two with Latino majorities	\$4,500,000	City lost trial on the merits, held an election that plaintiffs argued was illegal, and unsuccessfully challenged an injunction stopping the City from certifying the results of that election; settlement subsequently reached
City of Modesto	Moved to District elections; voters had already approved a move to districts before settlement	\$3,000,000	Settlement; Additional \$1,700,000 to defense attorneys
Madera Unified School District; Madera County Board of Education	Moved to "by trustee area" elections via admission of liability	\$162,500	court award
City of Compton	Moved to by-district elections via ballot measure; kept mayor at large	confidential	settlement
Tulare Local Healthcare District	Agreed to hold an election re changing to district elections in 2012 and agreed to cancel 2010 elections	\$500,000	Settlement
City of Tulare	City agreed to place a ballot measure before voters regarding a move to district elections	\$225,000	Settlement
Hanford Unified School District	Agreed to move to by-trustee district elections	\$110,000	Settlement
Compton Community College District	Agreed to move to by-district elections	\$40,000	Settlement
Ceres Unified School District	Moved to by-trustee district elections before litigation was filed	\$3,000	Settlement
Cerritos Community College District	Moved to by-trustee district elections	\$55,000	Settlement

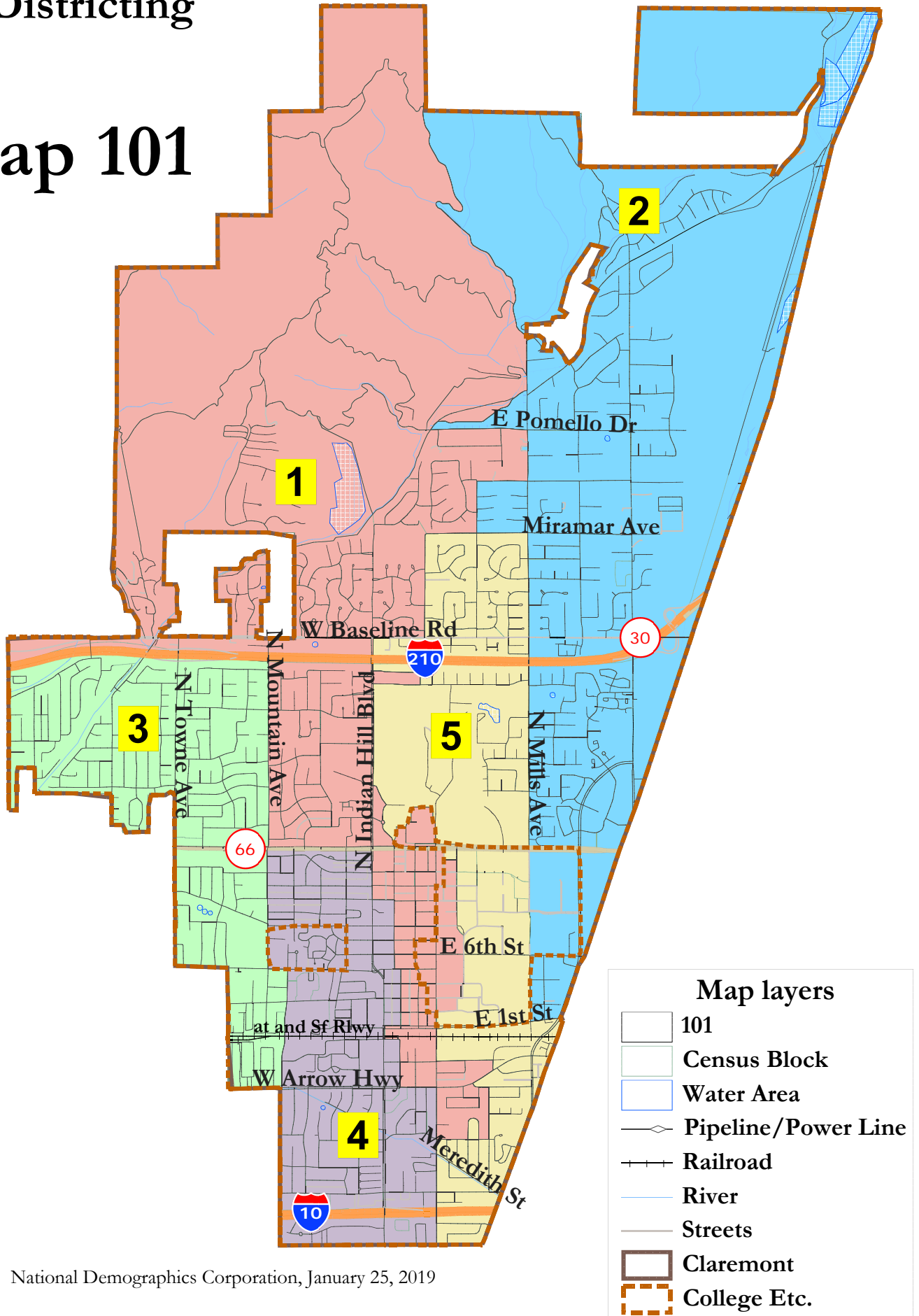
San Mateo County	County moved to by-District elections (through a ballot measure) and further agreed to redraw its previously-approved District boundaries by forming a nine-person redistricting committee	\$650,000	Settlement
City of Anaheim	Agreed to place ballot measure on November 2016 ballot re moving to by district elections	\$1,200,000	Settlement after first litigating; expected costs include at least another \$800,000
City of Highland	Placed issue on ballot, which was rejected by the voters; districts ultimately ordered by the Court, who chose Plaintiff's map	\$1,300,000	
City of Whittier	Case dismissed as moot when City changed voting system; unsuccessful post election challenge re at large mayor	\$1,000,000	Court awarded fees under catalyst theory, even though case was dismissed
Santa Clarita Community College District	Moved to by trustee voting	\$850,000	Settlement
City of Garden Grove	Moved to by district elections via stipulated judgment	\$290,000	Settlement
City of Escondido	Settled via court order (consent decree) after vote of the people failed to adopt by district elections	\$385,000	Settlement
City of Santa Clarita	Attempted move to cumulative voting method, court overruled	\$600,000	Settlement
City of Visalia	Stipulated judgment, court ordered by districts	\$125,000	Settlement
City of Santa Barbara	Agreed to move to by district; mayor remains elected at large	\$599,500	Settlement

City of Fullerton	Agreed to pay attorneys fees - negotiate in good faith; required placing measure on November 2016 ballot to move to districts	undisclosed	Settlement
City of Merced	Settled before lawsuit filed; agreed to ballot measure	\$43,000	Settlement
City of Bellflower	Agreed to place ballot measure on November 2016 ballot; measure adopted	\$250,000	Settlement
Sulphur Springs School District	Agreed to move to by district elections	\$144,000	Settlement
City of Costa Mesa	Moved to districts before lawsuit was filed	\$55,000	pre-litigation settlement
City of West Covina	Waited until after lawsuit was filed to hire demographer and voluntarily move to by district elections via ordinance	\$220,000	Settlement
Newport Mesa School District	Settled, moved to by trustee elections	\$106,000	Settlement
City of Rancho Cucamonga	Settled after litigation and voter approved move to by district elections	not yet determined; likely high six figures to millions	settlement
City of Santa Clara	Lost at trial court	not yet determined; millions	ongoing
City of Santa Monica	Lost at trial court	not yet determined; millions	ongoing
City of San Marcos	Moved to districts within safe harbor, before lawsuit could be filed	\$0 (does not include \$30,000 capped reimbursement)	transitioned to districts before lawsuit could be filed
City of Carlsbad	Moved to districts within safe harbor, before lawsuit could be filed	\$0 (does not include \$30,000 capped reimbursement)	transitioned to districts before lawsuit could be filed
City of Poway	Moved to districts within safe harbor, before lawsuit could be filed	\$0 (does not include \$30,000 capped reimbursement)	transitioned to districts before lawsuit could be filed
City of Duarte	Moved to districts within safe harbor, before lawsuit could be filed	\$0 (does not include \$30,000 capped reimbursement)	transitioned to districts before lawsuit could be filed

City of Lake Forest	Moved to districts within safe harbor, before lawsuit could be filed	\$0 (does not include \$30,000 capped reimbursement)	transitioned to districts before lawsuit could be filed
City of Torrance	Moved to districts within safe harbor, before lawsuit could be filed	\$0 (does not include \$30,000 capped reimbursement)	transitioned to districts before lawsuit could be filed
City of Encinitas	Moved to districts within safe harbor, before lawsuit could be filed	\$0 (does not include \$30,000 capped reimbursement)	transitioned to districts before lawsuit could be filed
City of Solana Beach	Moved to districts within safe harbor, before lawsuit could be filed	\$0 (does not include \$30,000 capped reimbursement)	transitioned to districts before lawsuit could be filed
City of Dana Point	Moved to districts within safe harbor, before lawsuit could be filed	\$0 (does not include \$30,000 capped reimbursement)	transitioned to districts before lawsuit could be filed
City of Twentynine Palms	Moved to districts within safe harbor, before lawsuit could be filed	\$0 (does not include \$30,000 capped reimbursement)	transitioned to districts before lawsuit could be filed
<b>TOTAL PAYMENTS TO PLAINTIFFS' ATTORNEYS</b>			\$16,413,000

# Claremont 2019 Districting

## Map 101



**Map layers**

- 101
- Census Block
- Water Area
- Pipeline/Power Line
- Railroad
- River
- Streets
- Claremont
- College Etc.

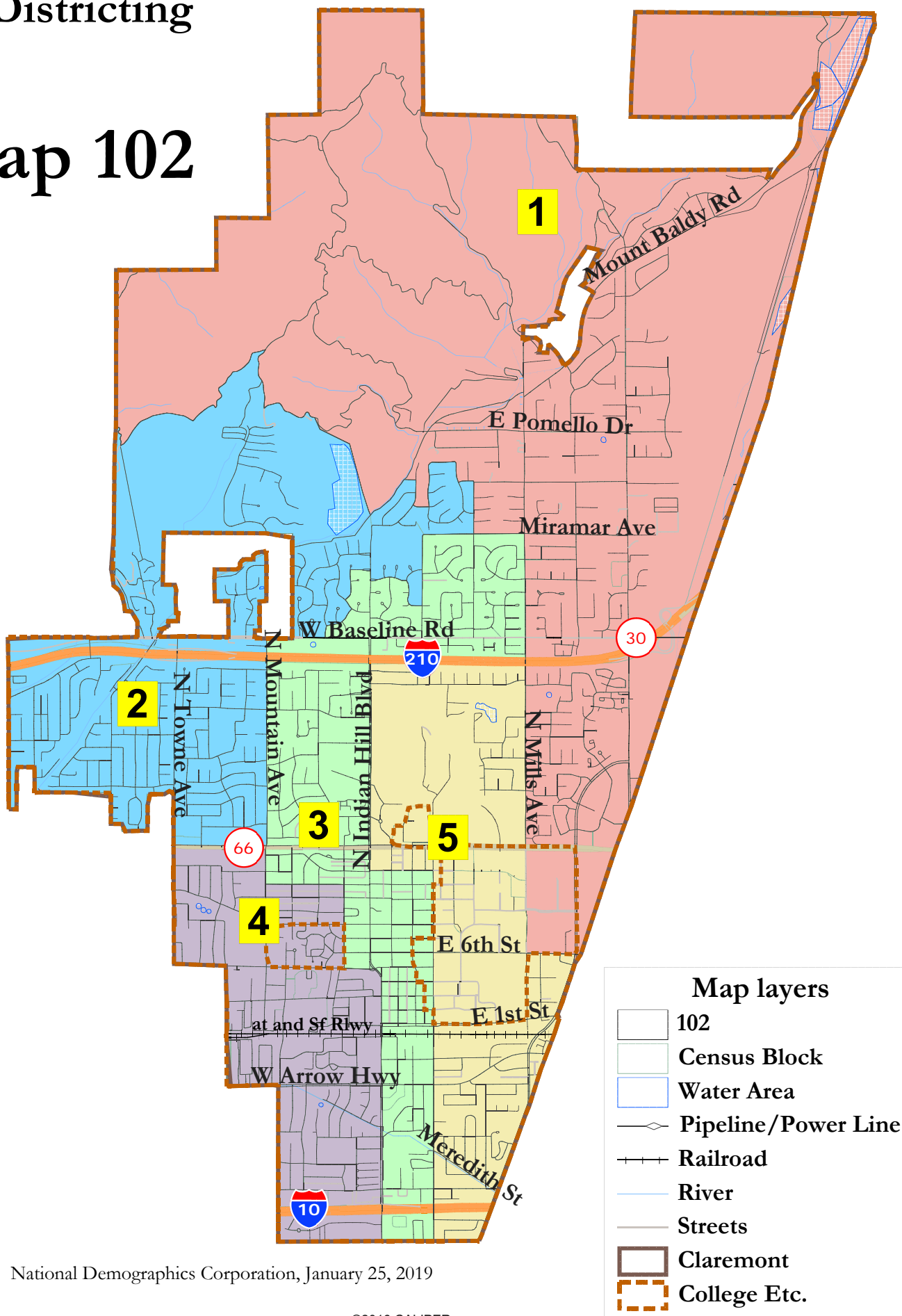
National Demographics Corporation, January 25, 2019

### Claremont - Map 101

District		1	2	3	4	5	Total
Ideal	Total Pop	7,063	6,873	6,918	6,862	7,210	34,926
6,985	Deviation from ideal	78	-112	-67	-123	225	348
	% Deviation	1.12%	-1.60%	-0.96%	-1.76%	3.22%	4.98%
Total Pop	% Hisp	17%	16%	22%	25%	19%	20%
	% NH White	63%	57%	57%	57%	59%	59%
	% NH Black	4%	4%	6%	7%	4%	5%
	% Asian-American	14%	21%	14%	9%	16%	15%
Citizen Voting Age Pop	Total	5,436	5,063	5,350	5,295	5,680	26,824
	% Hisp	14%	21%	21%	26%	21%	21%
	% NH White	69%	57%	57%	54%	58%	59%
	% NH Black	3%	3%	7%	8%	4%	5%
	% Asian/Pac.Isl.	13%	19%	13%	11%	15%	14%
Voter Registration (Nov 2016)	Total	5,582	4,075	4,946	4,379	3,329	22,311
	% Latino est.	15%	14%	17%	23%	21%	18%
	% Spanish-Surnamed	13%	12%	16%	21%	19%	16%
	% Asian-Surnamed	8%	12%	5%	4%	7%	7%
	% Filipino-Surnamed	1%	1%	1%	1%	1%	1%
	% NH White est.	68%	68%	69%	60%	67%	66%
Voter Turnout (Nov 2016)	% NH Black	7%	3%	6%	8%	3%	6%
	Total	4,252	3,046	3,904	3,316	2,416	16,934
	% Latino est.	15%	14%	17%	23%	21%	18%
	% Spanish-Surnamed	13%	13%	15%	20%	19%	16%
	% Asian-Surnamed	7%	11%	5%	4%	6%	6%
	% Filipino-Surnamed	1%	1%	1%	1%	1%	1%
	% NH White est.	71%	69%	70%	61%	68%	68%
Voter Turnout (Nov 2014)	% NH Black	5%	3%	6%	8%	3%	5%
	Total	2,704	1,985	2,404	2,165	1,461	10,719
	% Latino est.	10%	12%	14%	12%	17%	13%
	% Spanish-Surnamed	9%	11%	13%	11%	15%	11%
	% Asian-Surnamed	6%	10%	4%	3%	6%	6%
	% Filipino-Surnamed	1%	1%	1%	1%	1%	1%
	% NH White est.	79%	72%	78%	75%	73%	76%
% NH Black est.	3%	6%	4%	8%	3%	5%	
ACS Pop. Est.	Total	7,304	6,780	7,235	7,300	7,146	35,765
Age	age0-19	25%	29%	22%	25%	34%	27%
	age20-60	47%	44%	49%	52%	49%	48%
	age60plus	28%	27%	29%	23%	17%	25%
Immigration	immigrants	19%	22%	18%	20%	16%	19%
	naturalized	74%	68%	71%	66%	54%	67%
Language spoken at home	english	72%	70%	72%	67%	68%	70%
	spanish	11%	11%	14%	18%	14%	14%
	asian-lang	10%	12%	9%	10%	11%	10%
	other lang	6%	7%	4%	5%	6%	6%
Language Fluency	Speaks Eng. "Less than Very Well"	7%	8%	8%	10%	7%	8%
Education (among those age 25+)	hs-grad	35%	33%	42%	37%	38%	37%
	bachelor	25%	25%	23%	22%	24%	24%
	graduatedegree	35%	38%	27%	30%	31%	32%
Child in Household	child-under18	28%	28%	24%	28%	28%	27%
Pct of Pop. Age 16+	employed	56%	52%	57%	57%	50%	55%
Household Income	income 0-25k	10%	9%	17%	15%	14%	13%
	income 25-50k	14%	12%	20%	22%	16%	17%
	income 50-75k	12%	9%	12%	17%	14%	13%
	income 75-200k	44%	46%	40%	36%	44%	42%
	income 200k-plus	19%	24%	11%	10%	12%	15%
Housing Stats	single family	86%	92%	73%	62%	84%	77%
	multi-family	14%	8%	27%	38%	16%	23%
	rented	26%	18%	40%	54%	31%	36%
	owned	74%	82%	60%	46%	69%	64%
Total population data from the 2010 Decennial Census.							
Surname-based Voter Registration and Turnout data from the California Statewide Database.							
Latino voter registration and turnout data are Spanish-surname counts adjusted using Census Population Department undercount estimates. NH White and NH Black registration and turnout counts estimated by NDC. Citizen Voting Age Pop., Age, Immigration, and other demographics from the 2012-2016 American Community Survey and Special Tabulation 5-year data.							

# Claremont 2019 Districting

## Map 102



National Demographics Corporation, January 25, 2019



## Claremont - Map 102

District		1	2	3	4	5	Total	
Ideal	Total Pop	7,008	6,704	6,933	6,984	7,297	34,926	
6,985	Deviation from ideal	23	-281	-52	-1	312	593	
	% Deviation	0.33%	-4.02%	-0.74%	-0.01%	4.47%	8.49%	
Total Pop	% Hisp	16%	18%	20%	26%	19%	20%	
	% NH White	57%	65%	62%	52%	59%	59%	
	% NH Black	4%	4%	4%	7%	5%	5%	
	% Asian-American	22%	11%	12%	13%	16%	15%	
Citizen Voting Age Pop	Total	5,223	5,152	5,559	5,215	5,675	26,824	
	% Hisp	20%	18%	20%	25%	20%	21%	
	% NH White	57%	67%	65%	48%	57%	59%	
	% NH Black	3%	2%	4%	11%	5%	5%	
	% Asian/Pac.Isl.	20%	12%	10%	13%	16%	14%	
Voter Registration (Nov 2016)	Total	4,192	5,257	4,864	4,523	3,475	22,311	
	% Latino est.	14%	16%	18%	21%	22%	18%	
	% Spanish-Surnamed	12%	15%	16%	19%	19%	16%	
	% Asian-Surnamed	12%	7%	6%	5%	6%	7%	
	% Filipino-Surnamed	1%	1%	1%	1%	1%	1%	
	% NH White est.	68%	71%	68%	63%	59%	66%	
Voter Turnout (Nov 2016)	Total	3,180	4,196	3,839	3,417	2,301	16,934	
	% Latino est.	14%	16%	17%	20%	23%	18%	
	% Spanish-Surnamed	12%	15%	15%	18%	21%	16%	
	% Asian-Surnamed	11%	6%	5%	4%	5%	6%	
	% Filipino-Surnamed	1%	1%	1%	1%	1%	1%	
	% NH White est.	69%	72%	70%	64%	62%	68%	
Voter Turnout (Nov 2014)	Total	2,077	2,780	2,462	2,125	1,274	10,719	
	% Latino est.	11%	12%	11%	13%	17%	13%	
	% Spanish-Surnamed	10%	11%	10%	12%	15%	11%	
	% Asian-Surnamed	10%	5%	5%	4%	4%	6%	
	% Filipino-Surnamed	1%	1%	0%	1%	1%	1%	
	% NH White est.	72%	78%	78%	76%	72%	76%	
ACS Pop. Est.	Total	6,944	6,885	7,379	7,326	7,231	35,765	
	Age	age0-19	28%	22%	24%	25%	36%	27%
		age20-60	44%	46%	49%	52%	50%	48%
age60plus		28%	31%	27%	23%	15%	25%	
Immigration	immigrants	22%	18%	17%	22%	16%	19%	
	naturalized	69%	76%	73%	65%	48%	67%	
Language spoken at home	english	71%	74%	73%	65%	68%	70%	
	spanish	11%	12%	13%	18%	15%	14%	
	asian-lang	12%	9%	8%	12%	11%	10%	
	other lang	7%	5%	6%	6%	6%	6%	
Language Fluency	Speaks Eng. "Less than Very Well"	8%	7%	7%	10%	7%	8%	
Education (among those age 25+)	hs-grad	33%	42%	36%	35%	40%	37%	
	bachelor	25%	24%	25%	22%	23%	24%	
	graduatedegree	38%	27%	33%	32%	29%	32%	
Child in Household	child-under18	28%	24%	27%	28%	27%	27%	
Pct of Pop. Age 16+	employed	53%	57%	56%	58%	49%	55%	
Household Income	income 0-25k	9%	15%	13%	13%	17%	13%	
	income 25-50k	12%	15%	17%	22%	19%	17%	
	income 50-75k	9%	11%	14%	16%	16%	13%	
	income 75-200k	46%	43%	42%	37%	41%	42%	
	income 200k-plus	24%	17%	13%	12%	7%	15%	
Housing Stats	single family	93%	88%	78%	59%	75%	77%	
	multi-family	7%	12%	22%	41%	25%	23%	
	rented	16%	22%	37%	56%	46%	36%	
	owned	84%	78%	63%	44%	54%	64%	

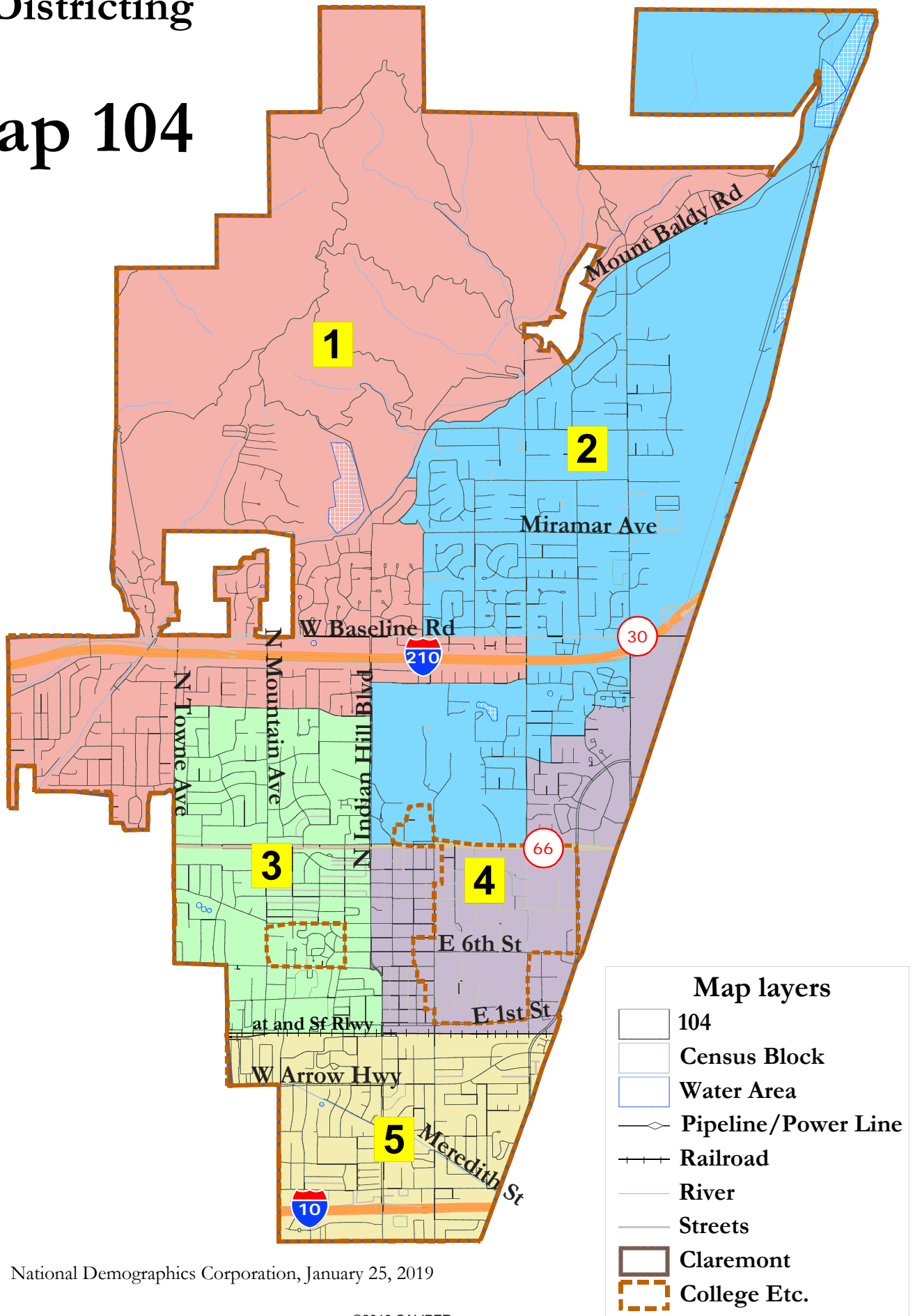
Total population data from the 2010 Decennial Census.

Surname-based Voter Registration and Turnout data from the California Statewide Database.

Latino voter registration and turnout data are Spanish-surname counts adjusted using Census Population Department undercount estimates. NH White and NH Black registration and turnout counts estimated by NDC. Citizen Voting Age Pop., Age, Immigration, and other demographics from the 2012-2016 American Community Survey and Special Tabulation 5-year data.

# Claremont 2019 Districting

## Map 104



National Demographics Corporation, January 25, 2019

### Claremont - Map 104

District		1	2	3	4	5	Total	
Ideal	Total Pop	7,250	6,964	6,889	6,830	6,993	34,926	
6,985	Deviation from ideal	265	-21	-96	-155	8	420	
	% Deviation	3.79%	-0.30%	-1.37%	-2.22%	0.11%	6.01%	
Total Pop	% Hisp	19%	15%	16%	13%	35%	20%	
	% NH White	62%	56%	68%	65%	43%	59%	
	% NH Black	5%	4%	4%	4%	9%	5%	
	% Asian-American	13%	23%	11%	16%	11%	15%	
Citizen Voting Age Pop	Total	5,488	5,372	5,573	5,194	5,197	26,824	
	% Hisp	18%	17%	18%	19%	32%	21%	
	% NH White	65%	61%	60%	58%	50%	59%	
	% NH Black	3%	2%	9%	5%	6%	5%	
	% Asian/Pac.Isl.	12%	20%	12%	16%	11%	14%	
Voter Registration (Nov 2016)	Total	5,378	4,887	4,883	2,984	4,179	22,311	
	% Latino est.	17%	13%	14%	12%	32%	18%	
	% Spanish-Surnamed	15%	12%	13%	11%	29%	16%	
	% Asian-Surnamed	7%	12%	5%	6%	4%	7%	
	% Filipino-Surnamed	1%	1%	1%	1%	1%	1%	
	% NH White est.	71%	70%	71%	61%	55%	66%	
Voter Turnout (Nov 2016)	% NH Black	3%	2%	7%	12%	7%	6%	
	Total	4,285	3,816	3,834	1,942	3,057	16,934	
	% Latino est.	17%	14%	13%	12%	32%	18%	
	% Spanish-Surnamed	16%	12%	12%	11%	28%	16%	
	% Asian-Surnamed	6%	11%	5%	5%	4%	6%	
	% Filipino-Surnamed	1%	1%	1%	1%	1%	1%	
Voter Turnout (Nov 2014)	% NH White est.	72%	71%	72%	64%	56%	68%	
	% NH Black	3%	3%	7%	8%	7%	5%	
	Total	2,803	2,556	2,851	942	1,567	10,719	
	% Latino est.	12%	12%	9%	10%	22%	13%	
	% Spanish-Surnamed	11%	11%	8%	9%	19%	11%	
	% Asian-Surnamed	5%	10%	3%	4%	5%	6%	
ACS Pop. Est.	% Filipino-Surnamed	1%	1%	0%	0%	1%	1%	
	% NH White est.	76%	74%	85%	77%	61%	76%	
	% NH Black est.	4%	3%	3%	5%	12%	5%	
	Total	7,398	7,071	7,237	6,410	7,650	35,765	
	Age	age0-19	23%	25%	22%	39%	28%	27%
		age20-60	46%	45%	49%	49%	53%	48%
age60plus		32%	30%	29%	11%	19%	25%	
Immigration	immigrants	19%	22%	20%	18%	17%	19%	
	naturalized	76%	76%	73%	43%	58%	67%	
Language spoken at home	english	74%	72%	73%	66%	65%	70%	
	spanish	12%	10%	12%	14%	21%	14%	
	asian-lang	9%	11%	9%	13%	9%	10%	
	other lang	5%	7%	6%	7%	5%	6%	
Language Fluency	Speaks Eng. "Less than Very Well"	8%	8%	6%	6%	12%	8%	
Education (among those age 25+)	hs-grad	41%	34%	31%	33%	45%	37%	
	bachelor	24%	26%	26%	24%	19%	24%	
	graduatedegree	28%	37%	40%	39%	20%	32%	
Child in Household	child-under18	25%	29%	26%	26%	30%	27%	
Pct of Pop. Age 16+	employed	57%	56%	56%	47%	57%	55%	
Household Income	income 0-25k	14%	7%	10%	12%	20%	13%	
	income 25-50k	15%	11%	19%	17%	23%	17%	
	income 50-75k	11%	10%	14%	12%	17%	13%	
	income 75-200k	43%	46%	40%	45%	36%	42%	
	income 200k-plus	18%	25%	16%	14%	4%	15%	
Housing Stats	single family	89%	95%	68%	74%	65%	77%	
	multi-family	11%	5%	32%	26%	35%	23%	
	rented	21%	14%	48%	44%	51%	36%	
	owned	79%	86%	52%	56%	49%	64%	

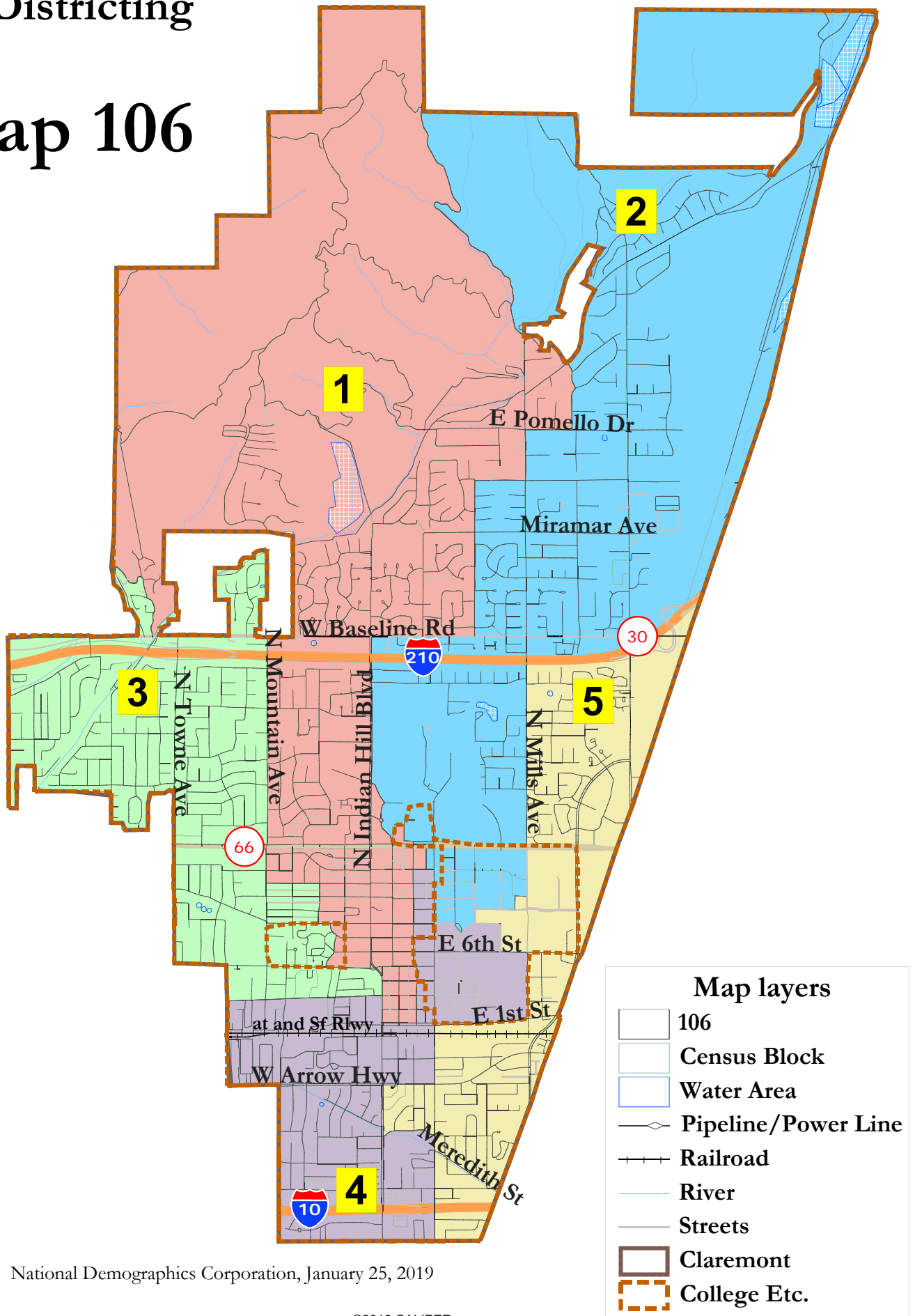
Total population data from the 2010 Decennial Census.

Surname-based Voter Registration and Turnout data from the California Statewide Database.

Latino voter registration and turnout data are Spanish-surname counts adjusted using Census Population Department undercount estimates. NH White and NH Black registration and turnout counts estimated by NDC. Citizen Voting Age Pop., Age, Immigration, and other demographics from the 2012-2016 American Community Survey and Special Tabulation 5-year data.

# Claremont 2019 Districting

## Map 106



National Demographics Corporation, January 25, 2019

### Claremont - Map 106

District		1	2	3	4	5	Total
Ideal	Total Pop	6,964	7,056	6,951	7,037	6,918	34,926
6,985	Deviation from ideal	-21	71	-34	52	-67	138
	% Deviation	-0.30%	1.02%	-0.49%	0.74%	-0.96%	1.98%
Total Pop	% Hisp	16%	14%	18%	29%	22%	20%
	% NH White	67%	56%	67%	46%	58%	59%
	% NH Black	3%	4%	4%	9%	5%	5%
	% Asian-American	13%	24%	10%	15%	12%	15%
Citizen Voting Age Pop	Total	5,342	5,431	5,356	5,434	5,262	26,824
	% Hisp	16%	16%	20%	25%	26%	21%
	% NH White	70%	58%	65%	44%	59%	59%
	% NH Black	1%	4%	3%	14%	3%	5%
	% Asian/Pac.Isl.	12%	21%	10%	16%	10%	14%
Voter Registration (Nov 2016)	Total	5,391	4,057	5,324	4,047	3,492	22,311
	% Latino est.	13%	14%	17%	25%	23%	18%
	% Spanish-Surnamed	11%	13%	15%	23%	21%	16%
	% Asian-Surnamed	8%	12%	5%	5%	5%	7%
	% Filipino-Surnamed	1%	1%	1%	1%	1%	1%
	% NH White est.	73%	68%	73%	47%	66%	66%
Voter Turnout (Nov 2016)	% NH Black	1%	5%	3%	20%	2%	6%
	Total	4,292	3,051	4,258	2,833	2,500	16,934
	% Latino est.	12%	15%	17%	25%	23%	18%
	% Spanish-Surnamed	11%	13%	15%	23%	21%	16%
	% Asian-Surnamed	7%	11%	4%	5%	5%	6%
	% Filipino-Surnamed	1%	1%	1%	1%	1%	1%
Voter Turnout (Nov 2014)	% NH White est.	74%	69%	74%	50%	67%	68%
	% NH Black	1%	5%	3%	18%	2%	5%
	Total	2,988	1,966	2,944	1,334	1,487	10,719
	% Latino est.	9%	13%	12%	18%	16%	13%
	% Spanish-Surnamed	8%	12%	11%	16%	14%	11%
	% Asian-Surnamed	5%	11%	3%	5%	3%	6%
ACS Pop. Est.	% Filipino-Surnamed	1%	1%	1%	1%	1%	1%
	% NH White est.	82%	70%	82%	58%	76%	76%
	% NH Black est.	1%	6%	3%	17%	3%	5%
	Total	7,147	6,920	7,235	7,338	7,125	35,765
Age	age0-19	23%	29%	21%	29%	32%	27%
	age20-60	47%	45%	48%	52%	50%	48%
	age60plus	30%	26%	31%	18%	19%	25%
Immigration	immigrants	21%	22%	18%	20%	15%	19%
	naturalized	77%	68%	75%	57%	54%	67%
Language spoken at home	english	73%	70%	74%	64%	70%	70%
	spanish	10%	11%	13%	19%	15%	14%
	asian-lang	10%	12%	8%	12%	9%	10%
	other lang	7%	7%	4%	5%	6%	6%
Language Fluency	Speaks Eng. "Less than Very Well"	7%	8%	7%	11%	7%	8%
Education (among those age 25+)	hs-grad	32%	33%	40%	40%	41%	37%
	bachelor	26%	26%	24%	20%	23%	24%
	graduatedegree	38%	38%	30%	26%	29%	32%
Child in Household	child-under18	28%	28%	23%	29%	27%	27%
Pct of Pop. Age 16+	employed	56%	52%	57%	56%	51%	55%
Household Income	income 0-25k	8%	7%	15%	17%	17%	13%
	income 25-50k	14%	11%	19%	23%	18%	17%
	income 50-75k	12%	10%	13%	16%	13%	13%
	income 75-200k	44%	45%	40%	37%	43%	42%
	income 200k-plus	21%	27%	13%	8%	8%	15%
Housing Stats	single family	85%	95%	74%	61%	79%	77%
	multi-family	15%	5%	26%	39%	21%	23%
	rented	27%	14%	39%	54%	39%	36%
	owned	73%	86%	61%	46%	61%	64%

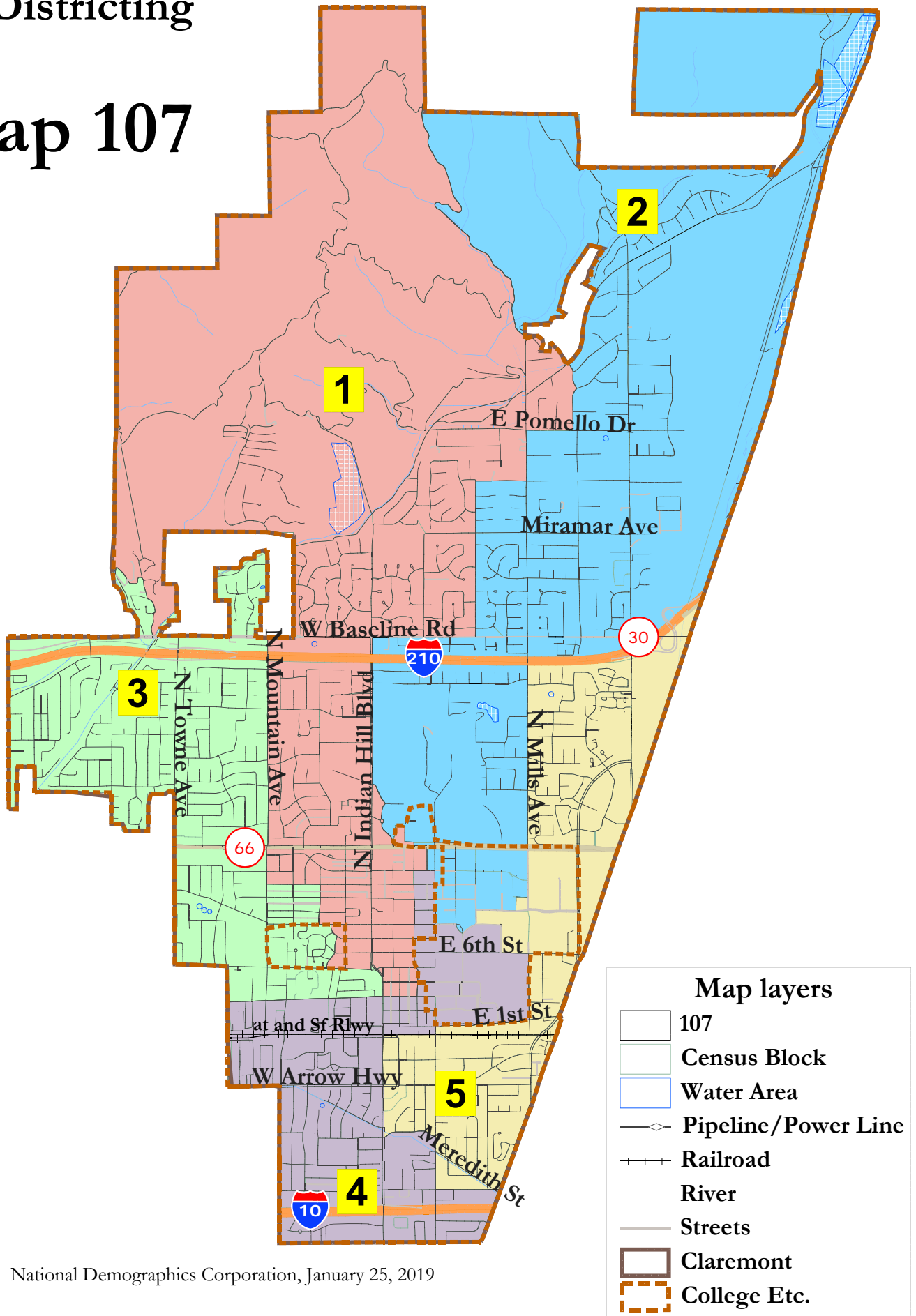
Total population data from the 2010 Decennial Census.

Surname-based Voter Registration and Turnout data from the California Statewide Database.

Latino voter registration and turnout data are Spanish-surname counts adjusted using Census Population Department undercount estimates. NH White and NH Black registration and turnout counts estimated by NDC. Citizen Voting Age Pop., Age, Immigration, and other demographics from the 2012-2016 American Community Survey and Special Tabulation 5-year data.

# Claremont 2019 Districting

## Map 107



National Demographics Corporation, January 25, 2019

### Claremont - Map 107

District		1	2	3	4	5	Total
Ideal	Total Pop	6,963	7,056	6,951	6,943	7,013	34,926
6,985	Deviation from ideal	-22	71	-34	-42	28	113
	% Deviation	-0.32%	1.02%	-0.49%	-0.60%	0.40%	1.62%
Total Pop	% Hisp	16%	14%	18%	31%	21%	20%
	% NH White	67%	56%	67%	45%	60%	59%
	% NH Black	3%	4%	4%	9%	5%	5%
	% Asian-American	13%	24%	10%	15%	12%	15%
Citizen Voting Age Pop	Total	5,341	5,431	5,356	5,326	5,370	26,824
	% Hisp	16%	16%	20%	27%	25%	21%
	% NH White	70%	58%	65%	43%	60%	59%
	% NH Black	1%	4%	3%	13%	4%	5%
	% Asian/Pac.Isl.	12%	21%	10%	17%	10%	14%
Voter Registration (Nov 2016)	Total	5,371	4,057	5,324	3,954	3,605	22,311
	% Latino est.	13%	14%	17%	26%	23%	18%
	% Spanish-Surnamed	11%	13%	15%	23%	20%	16%
	% Asian-Surnamed	8%	12%	5%	5%	5%	7%
	% Filipino-Surnamed	1%	1%	1%	1%	1%	1%
	% NH White est.	73%	68%	73%	47%	66%	66%
Voter Turnout (Nov 2016)	% NH Black	1%	5%	3%	20%	3%	6%
	Total	4,278	3,051	4,258	2,750	2,596	16,934
	% Latino est.	12%	15%	17%	26%	23%	18%
	% Spanish-Surnamed	11%	13%	15%	23%	21%	16%
	% Asian-Surnamed	7%	11%	4%	5%	4%	6%
	% Filipino-Surnamed	1%	1%	1%	1%	1%	1%
Voter Turnout (Nov 2014)	% NH White est.	75%	69%	74%	50%	66%	68%
	% NH Black	1%	5%	3%	18%	3%	5%
	Total	2,981	1,966	2,944	1,301	1,527	10,719
	% Latino est.	9%	13%	12%	19%	15%	13%
	% Spanish-Surnamed	8%	12%	11%	17%	14%	11%
	% Asian-Surnamed	5%	11%	3%	5%	4%	6%
ACS Pop. Est.	% Filipino-Surnamed	1%	1%	1%	1%	1%	1%
	% NH White est.	82%	70%	82%	59%	75%	76%
	% NH Black est.	1%	6%	3%	15%	5%	5%
	Total	7,146	6,920	7,235	7,233	7,231	35,765
Age	age0-19	23%	29%	21%	30%	32%	27%
	age20-60	47%	45%	48%	52%	50%	48%
	age60plus	30%	26%	31%	18%	19%	25%
Immigration	immigrants	21%	22%	18%	20%	15%	19%
	naturalized	77%	68%	75%	57%	54%	67%
Language spoken at home	english	73%	70%	74%	64%	70%	70%
	spanish	10%	11%	13%	19%	15%	14%
	asian-lang	10%	12%	8%	12%	9%	10%
	other lang	7%	7%	4%	5%	6%	6%
Language Fluency	Speaks Eng. "Less than Very Well"	7%	8%	7%	11%	7%	8%
Education (among those age 25+)	hs-grad	32%	33%	40%	40%	41%	37%
	bachelor	26%	26%	24%	20%	23%	24%
	graduatedegree	38%	38%	30%	26%	28%	32%
Child in Household	child-under18	28%	28%	23%	29%	27%	27%
Pct of Pop. Age 16+	employed	56%	52%	57%	56%	51%	55%
Household Income	income 0-25k	8%	7%	15%	16%	17%	13%
	income 25-50k	14%	11%	19%	23%	18%	17%
	income 50-75k	12%	10%	13%	16%	14%	13%
	income 75-200k	44%	45%	40%	37%	43%	42%
	income 200k-plus	21%	27%	13%	9%	8%	15%
Housing Stats	single family	85%	95%	74%	60%	78%	77%
	multi-family	15%	5%	26%	40%	22%	23%
	rented	27%	14%	39%	54%	40%	36%
	owned	73%	86%	61%	46%	60%	64%

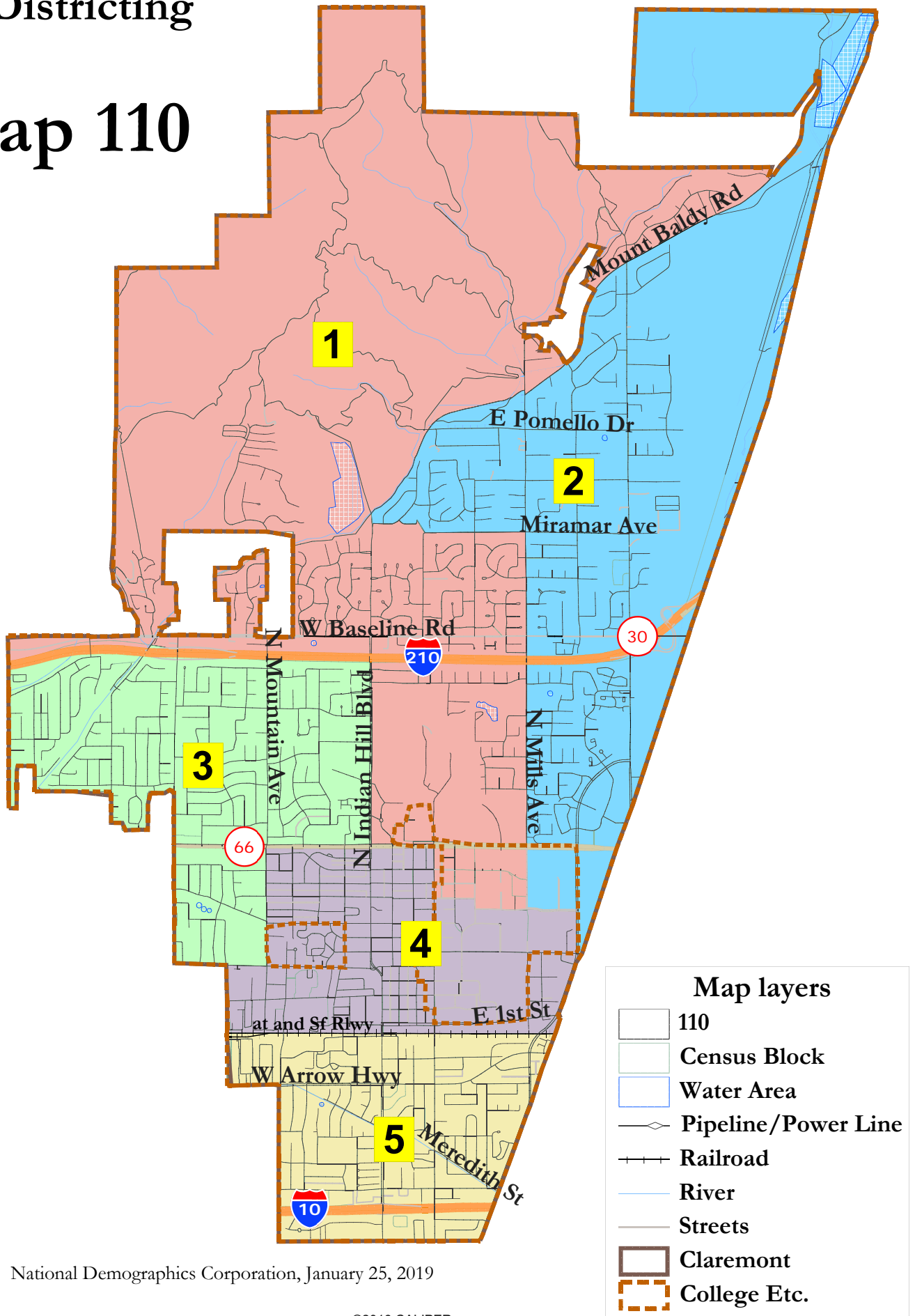
Total population data from the 2010 Decennial Census.

Surname-based Voter Registration and Turnout data from the California Statewide Database.

Latino voter registration and turnout data are Spanish-surname counts adjusted using Census Population Department undercount estimates. NH White and NH Black registration and turnout counts estimated by NDC. Citizen Voting Age Pop., Age, Immigration, and other demographics from the 2012-2016 American Community Survey and Special Tabulation 5-year data.

# Claremont 2019 Districting

## Map 110



National Demographics Corporation, January 25, 2019



### Claremont - Map 110

District		1	2	3	4	5	Total	
Ideal	Total Pop	7,194	6,880	6,872	6,987	6,993	34,926	
6,985	Deviation from ideal	209	-105	-113	2	8	322	
	% Deviation	2.99%	-1.50%	-1.62%	0.03%	0.11%	4.61%	
Total Pop	% Hisp	15%	16%	20%	13%	35%	20%	
	% NH White	62%	58%	63%	68%	43%	59%	
	% NH Black	4%	4%	4%	4%	9%	5%	
	% Asian-American	18%	21%	12%	12%	11%	15%	
Citizen Voting Age Pop	Total	5,372	5,279	5,458	5,519	5,197	26,824	
	% Hisp	14%	21%	21%	16%	32%	21%	
	% NH White	64%	59%	66%	56%	50%	59%	
	% NH Black	4%	2%	2%	12%	6%	5%	
	% Asian/Pac.Isl.	16%	18%	9%	15%	11%	14%	
Voter Registration (Nov 2016)	Total	4,402	4,340	5,223	4,167	4,179	22,311	
	% Latino est.	14%	14%	17%	13%	32%	18%	
	% Spanish-Surnamed	13%	12%	15%	11%	29%	16%	
	% Asian-Surnamed	9%	12%	5%	6%	4%	7%	
	% Filipino-Surnamed	1%	1%	1%	1%	1%	1%	
	% NH White est.	72%	69%	73%	61%	55%	66%	
Voter Turnout (Nov 2016)	% NH Black	4%	2%	2%	16%	7%	6%	
	Total	3,392	3,306	4,222	2,957	3,057	16,934	
	% Latino est.	14%	14%	17%	12%	32%	18%	
	% Spanish-Surnamed	13%	12%	16%	11%	28%	16%	
	% Asian-Surnamed	8%	11%	4%	5%	4%	6%	
	% Filipino-Surnamed	1%	1%	1%	1%	1%	1%	
Voter Turnout (Nov 2014)	% NH White est.	72%	71%	74%	65%	56%	68%	
	% NH Black	4%	2%	2%	13%	7%	5%	
	Total	2,255	2,150	2,698	2,049	1,567	10,719	
	% Latino est.	11%	11%	13%	8%	22%	13%	
	% Spanish-Surnamed	10%	10%	12%	7%	19%	11%	
	% Asian-Surnamed	7%	10%	4%	3%	5%	6%	
ACS Pop. Est.	% Filipino-Surnamed	1%	1%	0%	0%	1%	1%	
	% NH White est.	76%	74%	80%	83%	61%	76%	
	% NH Black est.	3%	4%	3%	5%	12%	5%	
	Total	7,131	6,879	7,244	6,862	7,650	35,765	
	Age	age0-19	29%	27%	21%	30%	28%	27%
		age20-60	46%	45%	48%	50%	53%	48%
age60plus		25%	27%	31%	20%	19%	25%	
Immigration	immigrants	20%	21%	17%	20%	17%	19%	
	naturalized	69%	70%	72%	64%	58%	67%	
Language spoken at home	english	71%	71%	75%	69%	65%	70%	
	spanish	11%	10%	12%	13%	21%	14%	
	asian-lang	12%	12%	8%	11%	9%	10%	
	other lang	7%	7%	4%	7%	5%	6%	
Language Fluency	Speaks Eng. "Less than Very Well"	7%	8%	7%	5%	12%	8%	
Education (among those age 25+)	hs-grad	34%	34%	43%	27%	45%	37%	
	bachelor	26%	26%	23%	26%	19%	24%	
	graduatedegree	36%	37%	28%	42%	20%	32%	
Child in Household	child-under18	28%	29%	24%	25%	30%	27%	
Pct of Pop. Age 16+	employed	53%	54%	57%	52%	57%	55%	
Household Income	income 0-25k	8%	9%	17%	9%	20%	13%	
	income 25-50k	11%	12%	18%	20%	23%	17%	
	income 50-75k	11%	10%	10%	17%	17%	13%	
	income 75-200k	46%	47%	43%	37%	36%	42%	
	income 200k-plus	24%	23%	12%	17%	4%	15%	
Housing Stats	single family	95%	93%	80%	61%	65%	77%	
	multi-family	5%	7%	20%	39%	35%	23%	
	rented	15%	16%	31%	58%	51%	36%	
	owned	85%	84%	69%	42%	49%	64%	

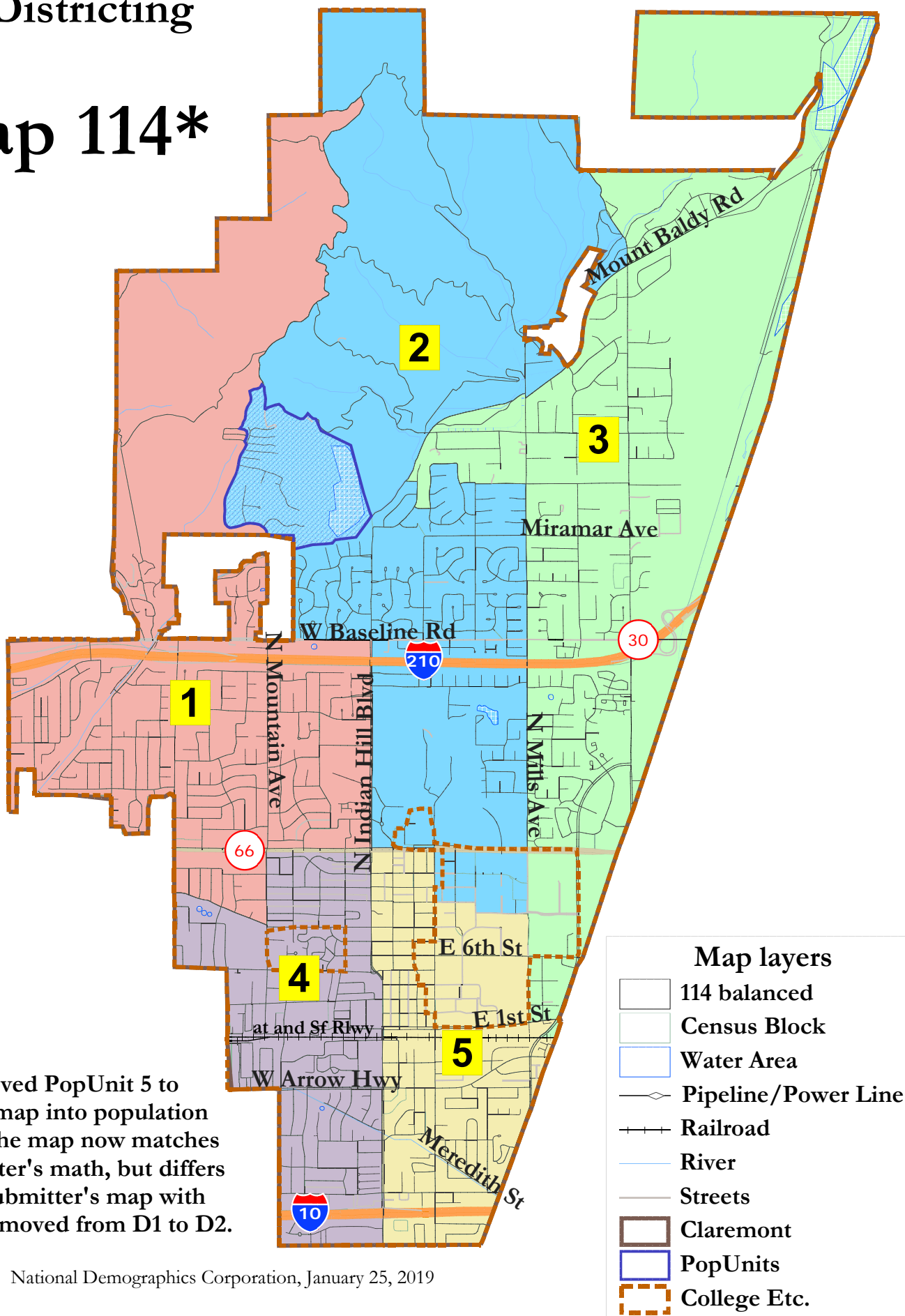
Total population data from the 2010 Decennial Census.

Surname-based Voter Registration and Turnout data from the California Statewide Database.

Latino voter registration and turnout data are Spanish-surname counts adjusted using Census Population Department undercount estimates. NH White and NH Black registration and turnout counts estimated by NDC. Citizen Voting Age Pop., Age, Immigration, and other demographics from the 2012-2016 American Community Survey and Special Tabulation 5-year data.

# Claremont 2019 Districting

## Map 114\*



**Map layers**

- 114 balanced
- Census Block
- Water Area
- Pipeline/Power Line
- Railroad
- River
- Streets
- Claremont
- PopUnits
- College Etc.

\* NDC moved PopUnit 5 to bring this map into population balance. The map now matches the submitter's math, but differs from the submitter's map with PopUnit 5 moved from D1 to D2.

National Demographics Corporation, January 25, 2019

### Claremont - Map 114

District		1	2	3	4	5	Total
Ideal	Total Pop	6,971	6,981	6,802	7,296	6,876	34,926
6,985	Deviation from ideal	-14	-4	-183	311	-109	494
	% Deviation	-0.20%	-0.06%	-2.62%	4.45%	-1.56%	7.07%
Total Pop	% Hisp	19%	14%	17%	25%	23%	20%
	% NH White	64%	62%	57%	54%	58%	59%
	% NH Black	4%	3%	4%	7%	6%	5%
	% Asian-American	11%	19%	21%	12%	11%	15%
Citizen Voting Age Pop	Total	5,500	5,376	5,048	5,460	5,441	26,824
	% Hisp	19%	15%	21%	25%	22%	21%
	% NH White	68%	64%	57%	50%	56%	59%
	% NH Black	2%	3%	3%	11%	6%	5%
	% Asian/Pac.Isl.	9%	16%	19%	13%	13%	14%
Voter Registration (Nov 2016)	Total	5,475	4,195	4,074	4,434	4,133	22,311
	% Latino est.	17%	14%	14%	20%	24%	18%
	% Spanish-Surnamed	15%	12%	12%	18%	22%	16%
	% Asian-Surnamed	5%	10%	12%	5%	5%	7%
	% Filipino-Surnamed	1%	1%	1%	1%	1%	1%
	% NH White est.	72%	72%	68%	64%	53%	66%
Voter Turnout (Nov 2016)	Total	4,405	3,228	3,043	3,348	2,910	16,934
	% Latino est.	17%	14%	14%	19%	24%	18%
	% Spanish-Surnamed	15%	13%	13%	17%	22%	16%
	% Asian-Surnamed	5%	9%	11%	4%	4%	6%
	% Filipino-Surnamed	1%	1%	1%	1%	1%	1%
	% NH White est.	73%	73%	69%	66%	57%	68%
Voter Turnout (Nov 2014)	Total	2,824	2,130	1,985	2,295	1,485	10,719
	% Latino est.	13%	11%	12%	12%	17%	13%
	% Spanish-Surnamed	12%	10%	11%	10%	15%	11%
	% Asian-Surnamed	4%	8%	10%	4%	3%	6%
	% Filipino-Surnamed	1%	1%	1%	1%	1%	1%
	% NH White est.	80%	77%	72%	79%	66%	76%
ACS Pop. Est.	Total	7,316	6,964	6,716	7,648	7,121	35,765
	Age						
Age	age0-19	22%	29%	29%	25%	31%	27%
	age20-60	47%	47%	45%	52%	51%	48%
	age60plus	31%	24%	26%	23%	18%	25%
Immigration	immigrants	18%	19%	22%	22%	15%	19%
	naturalized	72%	69%	68%	66%	58%	67%
Language spoken at home	english	75%	71%	70%	65%	69%	70%
	spanish	12%	11%	11%	17%	17%	14%
	asian-lang	8%	12%	12%	12%	8%	10%
	other lang	4%	7%	7%	6%	6%	6%
Language Fluency	Speaks Eng. "Less than Very Well"	7%	7%	8%	10%	7%	8%
Education (among those age 25+)	hs-grad	43%	34%	34%	35%	40%	37%
	bachelor	23%	26%	25%	22%	23%	24%
	graduatedegree	28%	36%	38%	33%	27%	32%
Child in Household	child-under18	24%	29%	28%	28%	27%	27%
Pct of Pop. Age 16+	employed	57%	54%	52%	58%	52%	55%
Household Income	income 0-25k	17%	7%	9%	13%	18%	13%
	income 25-50k	17%	11%	12%	22%	21%	17%
	income 50-75k	10%	11%	9%	16%	19%	13%
	income 75-200k	44%	48%	46%	37%	36%	42%
	income 200k-plus	13%	23%	24%	13%	6%	15%
Housing Stats	single family	83%	96%	92%	59%	69%	77%
	multi-family	17%	4%	8%	41%	31%	23%
	rented	28%	15%	19%	56%	51%	36%
	owned	72%	85%	81%	44%	49%	64%

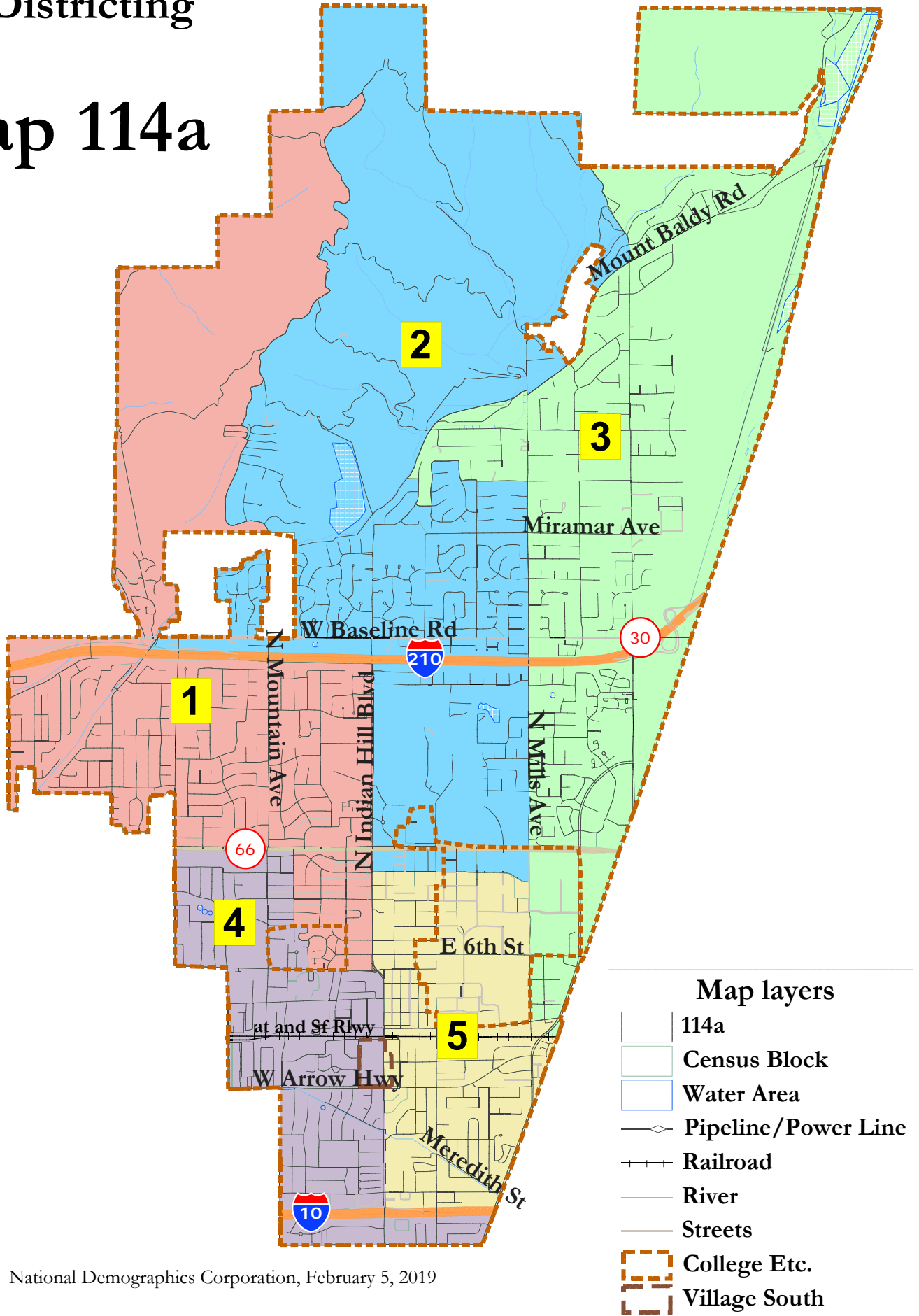
Total population data from the 2010 Decennial Census.

Surname-based Voter Registration and Turnout data from the California Statewide Database.

Latino voter registration and turnout data are Spanish-surname counts adjusted using Census Population Department undercount estimates. NH White and NH Black registration and turnout counts estimated by NDC. Citizen Voting Age Pop., Age, Immigration, and other demographics from the 2012-2016 American Community Survey and Special Tabulation 5-year data.

# Claremont 2019 Districting

## Map 114a



National Demographics Corporation, February 5, 2019

### Claremont - Map 114a

District		1	2	3	4	5	Total
Ideal	Total Pop	7,269	6,898	6,802	6,981	6,976	34,926
6,985	Deviation from ideal	284	-87	-183	-4	-9	467
	% Deviation	4.07%	-1.25%	-2.62%	-0.06%	-0.13%	6.69%
Total Pop	% Hisp	17%	16%	17%	29%	20%	20%
	% NH White	68%	61%	57%	49%	60%	59%
	% NH Black	4%	4%	4%	8%	6%	5%
	% Asian-American	10%	19%	21%	13%	12%	15%
Citizen Voting Age Pop	Total	5,792	5,271	5,048	5,190	5,523	26,824
	% Hisp	19%	15%	21%	28%	21%	21%
	% NH White	69%	66%	57%	45%	57%	59%
	% NH Black	2%	2%	3%	12%	6%	5%
	% Asian/Pac.Isl.	9%	16%	19%	14%	14%	14%
Voter Registration (Nov 2016)	Total	5,710	4,547	4,074	4,243	3,737	22,311
	% Latino est.	16%	14%	14%	23%	23%	18%
	% Spanish-Surnamed	15%	13%	12%	20%	21%	16%
	% Asian-Surnamed	5%	9%	12%	5%	5%	7%
	% Filipino-Surnamed	1%	1%	1%	1%	1%	1%
	% NH White est.	74%	72%	68%	59%	54%	66%
% NH Black	2%	2%	3%	12%	12%	6%	
Voter Turnout (Nov 2016)	Total	4,604	3,567	3,043	3,161	2,559	16,934
	% Latino est.	16%	14%	14%	22%	23%	18%
	% Spanish-Surnamed	15%	13%	13%	20%	21%	16%
	% Asian-Surnamed	4%	8%	11%	4%	4%	6%
	% Filipino-Surnamed	1%	1%	1%	1%	1%	1%
	% NH White est.	74%	73%	69%	61%	57%	68%
% NH Black	2%	2%	3%	12%	9%	5%	
Voter Turnout (Nov 2014)	Total	3,177	2,370	1,985	1,849	1,337	10,719
	% Latino est.	11%	11%	12%	16%	16%	13%
	% Spanish-Surnamed	10%	10%	11%	14%	14%	11%
	% Asian-Surnamed	3%	8%	10%	4%	4%	6%
	% Filipino-Surnamed	0%	1%	1%	1%	0%	1%
	% NH White est.	83%	77%	72%	72%	69%	76%
% NH Black est.	3%	2%	6%	8%	9%	5%	
ACS Pop. Est.	Total	7,628	6,985	6,716	7,352	7,085	35,765
Age	age0-19	22%	26%	29%	25%	34%	27%
	age20-60	48%	47%	45%	52%	50%	48%
	age60plus	31%	27%	26%	22%	16%	25%
Immigration	immigrants	18%	20%	22%	21%	15%	19%
	naturalized	72%	74%	68%	65%	53%	67%
Language spoken at home	english	75%	72%	70%	65%	68%	70%
	spanish	12%	10%	11%	18%	17%	14%
	asian-lang	8%	11%	12%	12%	9%	10%
	other lang	4%	7%	7%	5%	6%	6%
Language Fluency	Speaks Eng. "Less than Very Well"	7%	7%	8%	10%	7%	8%
Education (among those age 25+)	hs-grad	42%	34%	34%	36%	40%	37%
	bachelor	24%	26%	25%	22%	22%	24%
	graduatedegree	29%	36%	38%	31%	26%	32%
Child in Household	child-under18	24%	29%	28%	29%	27%	27%
Pct of Pop. Age 16+	employed	57%	55%	52%	58%	51%	55%
Household Income	income 0-25k	16%	7%	9%	14%	18%	13%
	income 25-50k	18%	12%	12%	22%	21%	17%
	income 50-75k	11%	11%	9%	16%	19%	13%
	income 75-200k	43%	47%	46%	37%	36%	42%
	income 200k-plus	13%	22%	24%	12%	6%	15%
Housing Stats	single family	79%	94%	92%	59%	69%	77%
	multi-family	21%	6%	8%	41%	31%	23%
	rented	32%	17%	19%	56%	51%	36%
	owned	68%	83%	81%	44%	49%	64%

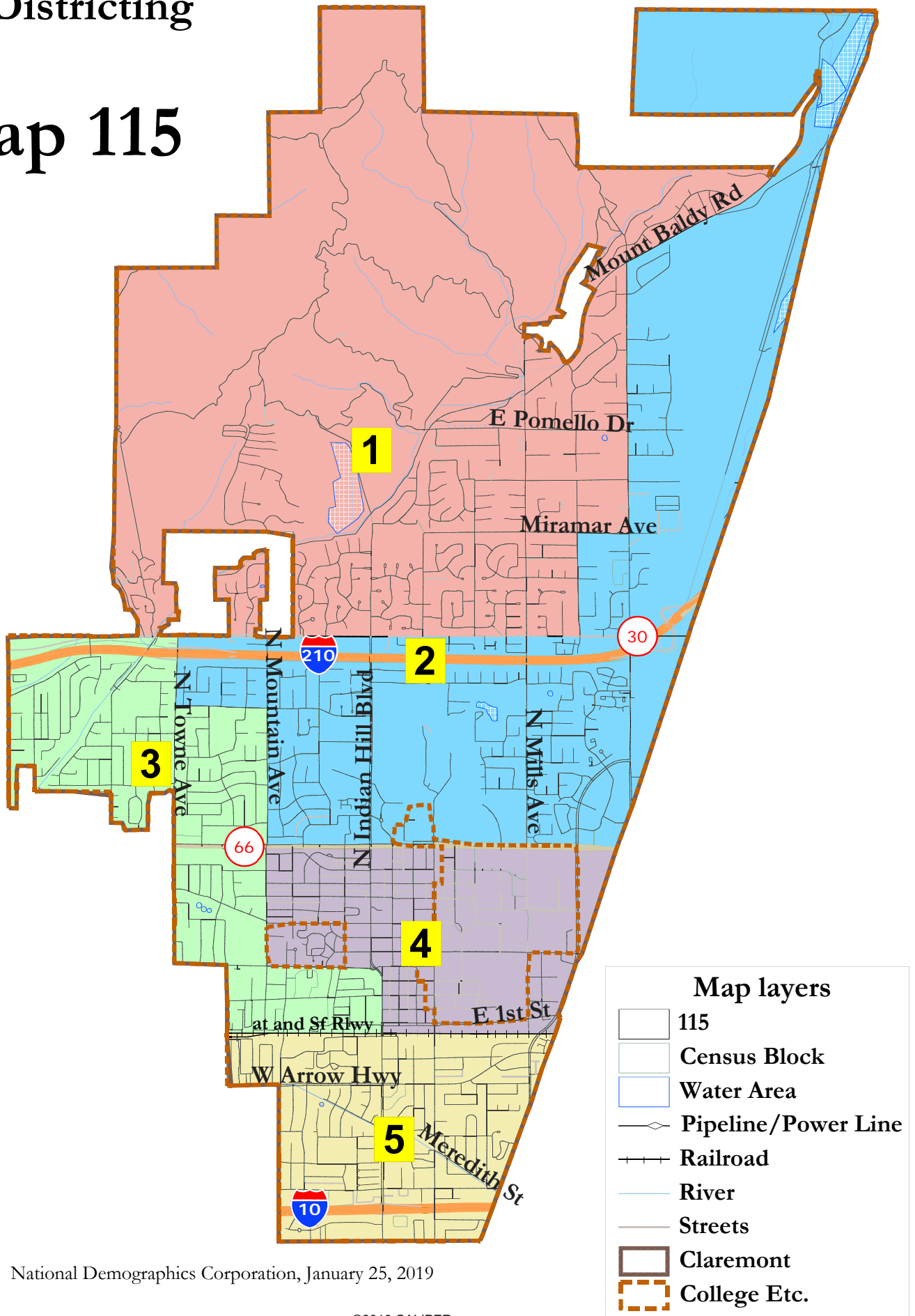
Total population data from the 2010 Decennial Census.

Surname-based Voter Registration and Turnout data from the California Statewide Database.

Latino voter registration and turnout data are Spanish-surname counts adjusted using Census Population Department undercount estimates. NH White and NH Black registration and turnout counts estimated by NDC. Citizen Voting Age Pop., Age, Immigration, and other demographics from the 2012-2016 American Community Survey and Special Tabulation 5-year data.

# Claremont 2019 Districting

## Map 115



National Demographics Corporation, January 25, 2019

### Claremont - Map 115

District		1	2	3	4	5	Total
Ideal	Total Pop	6,682	7,172	6,931	7,148	6,993	34,926
6,985	Deviation from ideal	-303	187	-54	163	8	490
	% Deviation	-4.34%	2.68%	-0.77%	2.33%	0.11%	7.02%
Total Pop	% Hisp	16%	18%	19%	11%	35%	20%
	% NH White	60%	58%	64%	69%	43%	59%
	% NH Black	3%	4%	5%	4%	9%	5%
	% Asian-American	20%	18%	11%	14%	11%	15%
Citizen Voting Age Pop	Total	4,891	5,756	5,491	5,489	5,197	26,824
	% Hisp	15%	20%	18%	18%	32%	21%
	% NH White	61%	67%	57%	59%	50%	59%
	% NH Black	2%	2%	10%	5%	6%	5%
	% Asian/Pac.Isl.	22%	10%	13%	16%	11%	14%
Voter Registration (Nov 2016)	Total	4,809	5,117	5,008	3,198	4,179	22,311
	% Latino est.	13%	16%	17%	10%	32%	18%
	% Spanish-Surnamed	11%	15%	16%	9%	29%	16%
	% Asian-Surnamed	13%	7%	5%	6%	4%	7%
	% Filipino-Surnamed	1%	1%	1%	0%	1%	1%
	% NH White est.	70%	71%	67%	66%	55%	66%
% NH Black	3%	2%	8%	11%	7%	6%	
Voter Turnout (Nov 2016)	Total	3,765	4,040	3,919	2,153	3,057	16,934
	% Latino est.	13%	17%	17%	10%	32%	18%
	% Spanish-Surnamed	11%	15%	15%	9%	28%	16%
	% Asian-Surnamed	11%	6%	5%	5%	4%	6%
	% Filipino-Surnamed	1%	1%	1%	1%	1%	1%
	% NH White est.	72%	72%	68%	71%	56%	68%
% NH Black	3%	2%	8%	8%	7%	5%	
Voter Turnout (Nov 2014)	Total	2,610	2,538	2,523	1,481	1,567	10,719
	% Latino est.	10%	13%	12%	7%	22%	13%
	% Spanish-Surnamed	9%	11%	11%	7%	19%	11%
	% Asian-Surnamed	10%	6%	3%	3%	5%	6%
	% Filipino-Surnamed	1%	0%	1%	0%	1%	1%
	% NH White est.	74%	78%	80%	84%	61%	76%
% NH Black est.	4%	3%	4%	3%	12%	5%	
ACS Pop. Est.	Total	6,590	7,659	7,190	6,676	7,650	35,765
Age	age0-19	25%	24%	21%	38%	28%	27%
	age20-60	44%	47%	49%	50%	53%	48%
	age60plus	31%	30%	31%	12%	19%	25%
Immigration	immigrants	23%	19%	18%	18%	17%	19%
	naturalized	80%	68%	76%	48%	58%	67%
Language spoken at home	english	71%	74%	74%	65%	65%	70%
	spanish	9%	10%	13%	14%	21%	14%
	asian-lang	12%	9%	8%	13%	9%	10%
	other lang	7%	6%	5%	7%	5%	6%
Language Fluency	Speaks Eng. "Less than Very Well"	8%	8%	6%	5%	12%	8%
Education (among those age 25+)	hs-grad	32%	37%	39%	28%	45%	37%
	bachelor	27%	24%	24%	25%	19%	24%
	graduatedegree	37%	36%	31%	42%	20%	32%
Child in Household	child-under18	29%	28%	23%	25%	30%	27%
Pct of Pop. Age 16+	employed	56%	55%	57%	47%	57%	55%
Household Income	income 0-25k	5%	13%	15%	10%	20%	13%
	income 25-50k	9%	15%	20%	19%	23%	17%
	income 50-75k	12%	7%	14%	17%	17%	13%
	income 75-200k	45%	49%	38%	38%	36%	42%
	income 200k-plus	30%	16%	13%	16%	4%	15%
Housing Stats	single family	99%	88%	70%	62%	65%	77%
	multi-family	1%	12%	30%	38%	35%	23%
	rented	9%	23%	43%	59%	51%	36%
	owned	91%	77%	57%	41%	49%	64%

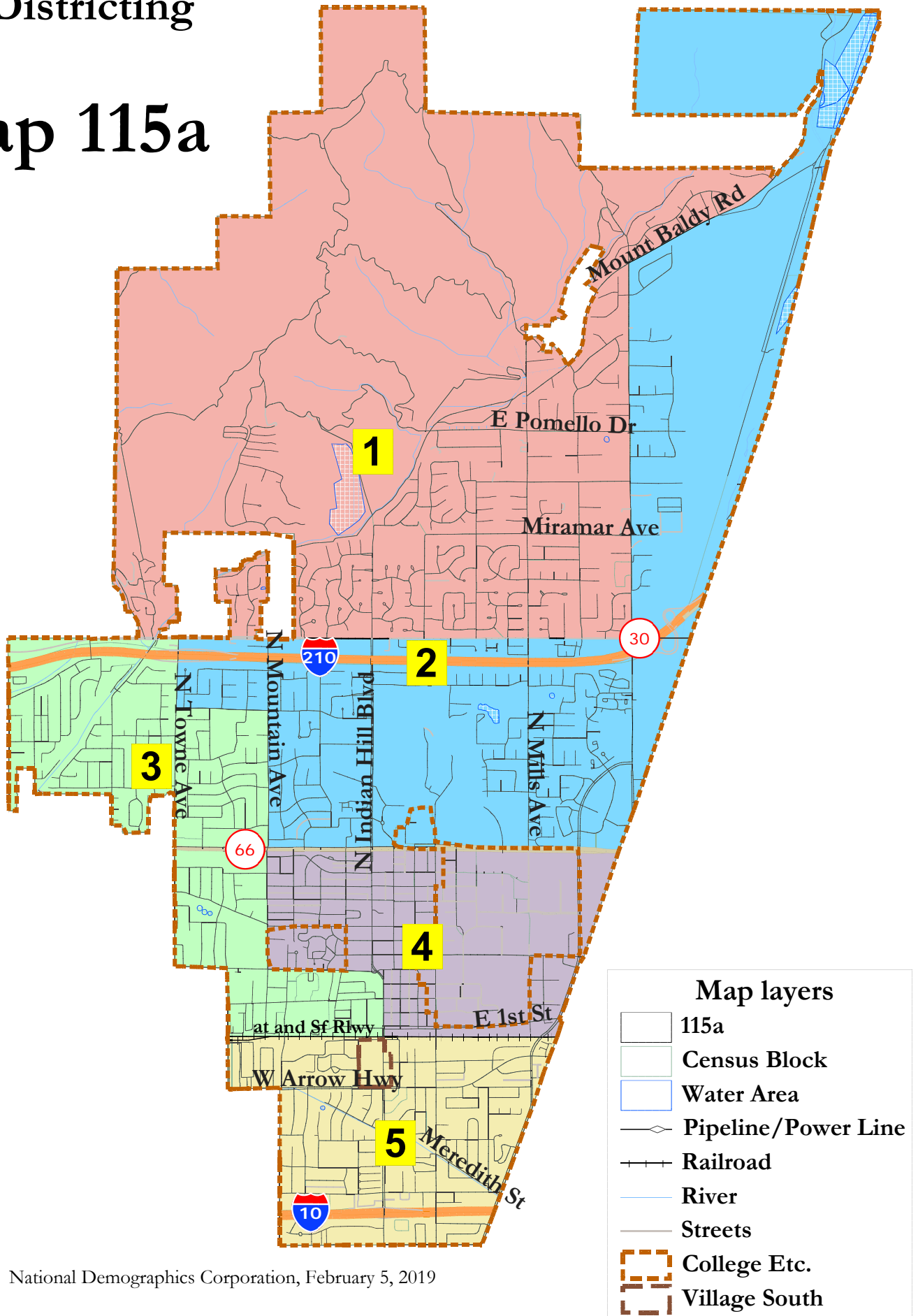
Total population data from the 2010 Decennial Census.

Surname-based Voter Registration and Turnout data from the California Statewide Database.

Latino voter registration and turnout data are Spanish-surname counts adjusted using Census Population Department undercount estimates. NH White and NH Black registration and turnout counts estimated by NDC. Citizen Voting Age Pop., Age, Immigration, and other demographics from the 2012-2016 American Community Survey and Special Tabulation 5-year data.

# Claremont 2019 Districting

## Map 115a



National Demographics Corporation, February 5, 2019



### Claremont - Map 115a

District		1	2	3	4	5	Total
Ideal	Total Pop	7,073	6,781	6,931	7,148	6,993	34,926
6,985	Deviation from ideal	88	-204	-54	163	8	367
	% Deviation	1.26%	-2.92%	-0.77%	2.33%	0.11%	5.25%
Total Pop	% Hisp	16%	18%	19%	11%	35%	20%
	% NH White	59%	58%	64%	69%	43%	59%
	% NH Black	4%	4%	5%	4%	9%	5%
	% Asian-American	20%	18%	11%	14%	11%	15%
Citizen Voting Age Pop	Total	5,226	5,422	5,491	5,489	5,197	26,824
	% Hisp	16%	20%	18%	18%	32%	21%
	% NH White	60%	68%	57%	59%	50%	59%
	% NH Black	2%	2%	10%	5%	6%	5%
	% Asian/Pac.Isl.	21%	10%	13%	16%	11%	14%
Voter Registration (Nov 2016)	Total	5,106	4,820	5,008	3,198	4,179	22,311
	% Latino est.	13%	16%	17%	10%	32%	18%
	% Spanish-Surnamed	12%	15%	16%	9%	29%	16%
	% Asian-Surnamed	13%	7%	5%	6%	4%	7%
	% Filipino-Surnamed	1%	1%	1%	0%	1%	1%
	% NH White est.	70%	72%	67%	66%	55%	66%
% NH Black	3%	2%	8%	11%	7%	6%	
Voter Turnout (Nov 2016)	Total	3,998	3,807	3,919	2,153	3,057	16,934
	% Latino est.	13%	17%	17%	10%	32%	18%
	% Spanish-Surnamed	11%	15%	15%	9%	28%	16%
	% Asian-Surnamed	11%	6%	5%	5%	4%	6%
	% Filipino-Surnamed	1%	1%	1%	1%	1%	1%
	% NH White est.	71%	73%	68%	71%	56%	68%
% NH Black	3%	2%	8%	8%	7%	5%	
Voter Turnout (Nov 2014)	Total	2,774	2,374	2,523	1,481	1,567	10,719
	% Latino est.	11%	12%	12%	7%	22%	13%
	% Spanish-Surnamed	10%	11%	11%	7%	19%	11%
	% Asian-Surnamed	10%	5%	3%	3%	5%	6%
	% Filipino-Surnamed	1%	1%	1%	0%	1%	1%
	% NH White est.	74%	78%	80%	84%	61%	76%
% NH Black est.	4%	3%	4%	3%	12%	5%	
ACS Pop. Est.	Total	6,986	7,263	7,190	6,676	7,650	35,765
Age	age0-19	25%	24%	21%	38%	28%	27%
	age20-60	44%	47%	49%	50%	53%	48%
	age60plus	31%	30%	31%	12%	19%	25%
Immigration	immigrants	23%	19%	18%	18%	17%	19%
	naturalized	81%	67%	76%	48%	58%	67%
Language spoken at home	english	71%	75%	74%	65%	65%	70%
	spanish	9%	10%	13%	14%	21%	14%
	asian-lang	12%	9%	8%	13%	9%	10%
	other lang	7%	6%	5%	7%	5%	6%
Language Fluency	Speaks Eng. "Less than Very Well"	8%	8%	6%	5%	12%	8%
Education (among those age 25+)	hs-grad	32%	37%	39%	28%	45%	37%
	bachelor	27%	24%	24%	25%	19%	24%
	graduatedegree	37%	36%	31%	42%	20%	32%
Child in Household	child-under18	29%	28%	23%	25%	30%	27%
Pct of Pop. Age 16+	employed	56%	55%	57%	47%	57%	55%
Household Income	income 0-25k	5%	13%	15%	10%	20%	13%
	income 25-50k	9%	15%	20%	19%	23%	17%
	income 50-75k	12%	7%	14%	17%	17%	13%
	income 75-200k	45%	49%	38%	38%	36%	42%
	income 200k-plus	29%	15%	13%	16%	4%	15%
Housing Stats	single family	99%	87%	70%	62%	65%	77%
	multi-family	1%	13%	30%	38%	35%	23%
	rented	9%	24%	43%	59%	51%	36%
	owned	91%	76%	57%	41%	49%	64%

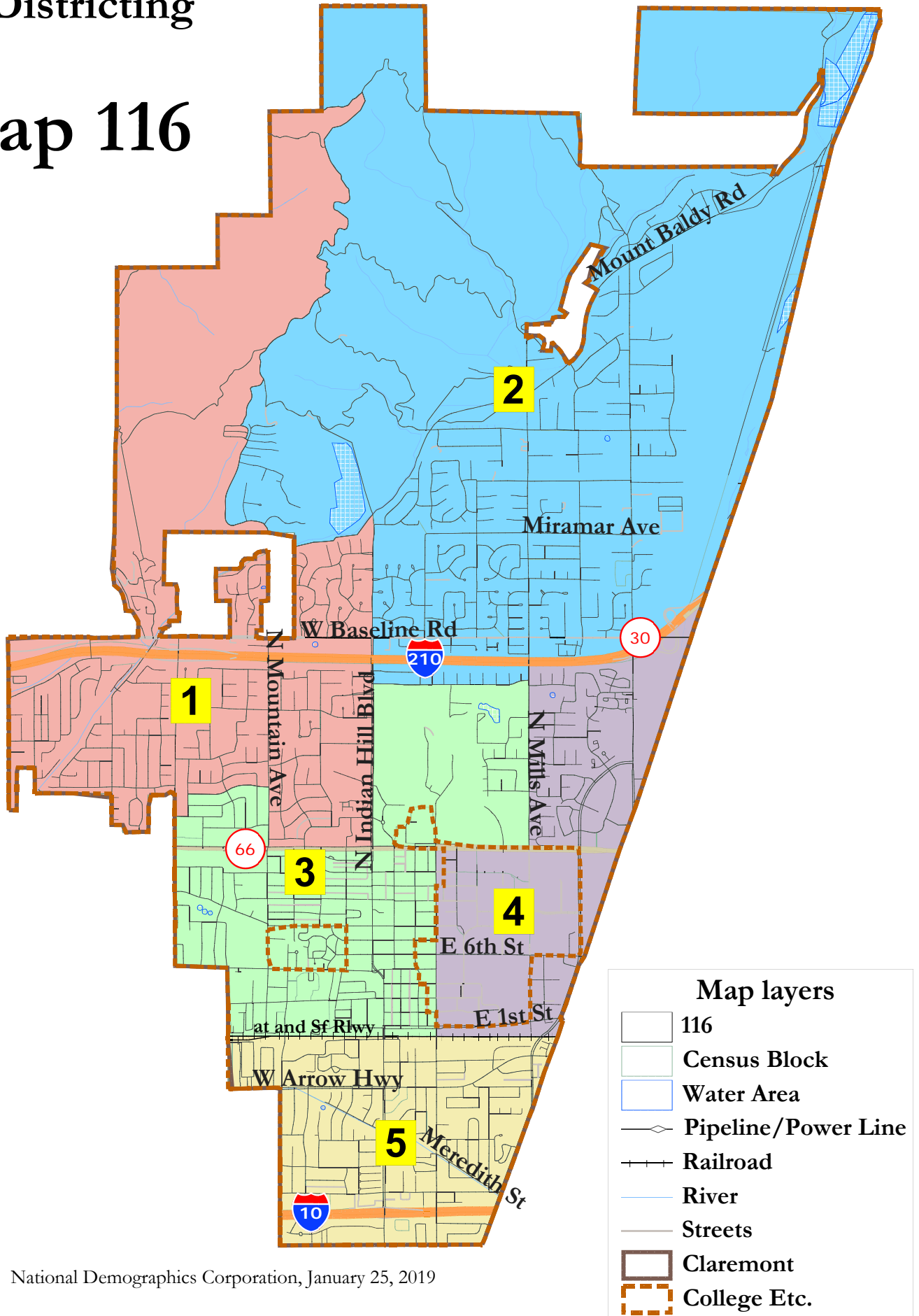
Total population data from the 2010 Decennial Census.

Surname-based Voter Registration and Turnout data from the California Statewide Database.

Latino voter registration and turnout data are Spanish-surname counts adjusted using Census Population Department undercount estimates. NH White and NH Black registration and turnout counts estimated by NDC. Citizen Voting Age Pop., Age, Immigration, and other demographics from the 2012-2016 American Community Survey and Special Tabulation 5-year data.

# Claremont 2019 Districting

## Map 116



National Demographics Corporation, January 25, 2019

### Claremont - Map 116

District		1	2	3	4	5	Total
Ideal	Total Pop	6,908	7,122	7,170	6,733	6,993	34,926
6,985	Deviation from ideal	-77	137	185	-252	8	437
	% Deviation	-1.10%	1.96%	2.65%	-3.61%	0.11%	6.26%
Total Pop	% Hisp	19%	16%	14%	13%	35%	20%
	% NH White	64%	56%	68%	63%	43%	59%
	% NH Black	4%	4%	4%	4%	9%	5%
	% Asian-American	11%	22%	13%	17%	11%	15%
Citizen Voting Age Pop	Total	5,375	5,359	5,793	5,100	5,197	26,824
	% Hisp	18%	16%	15%	22%	32%	21%
	% NH White	68%	58%	61%	57%	50%	59%
	% NH Black	2%	3%	10%	4%	6%	5%
	% Asian/Pac.Isl.	10%	22%	12%	15%	11%	14%
Voter Registration (Nov 2016)	Total	5,341	4,978	5,204	2,609	4,179	22,311
	% Latino est.	18%	13%	13%	13%	32%	18%
	% Spanish-Surnamed	16%	12%	12%	12%	29%	16%
	% Asian-Surnamed	6%	14%	5%	7%	4%	7%
	% Filipino-Surnamed	1%	1%	1%	1%	1%	1%
	% NH White est.	73%	68%	69%	62%	55%	66%
Voter Turnout (Nov 2016)	Total	4,279	3,879	4,067	1,652	3,057	16,934
	% Latino est.	18%	13%	13%	14%	32%	18%
	% Spanish-Surnamed	16%	12%	11%	13%	28%	16%
	% Asian-Surnamed	5%	12%	4%	7%	4%	6%
	% Filipino-Surnamed	1%	1%	1%	1%	1%	1%
	% NH White est.	73%	70%	71%	65%	56%	68%
Voter Turnout (Nov 2014)	Total	2,815	2,621	2,831	885	1,567	10,719
	% Latino est.	12%	12%	9%	11%	22%	13%
	% Spanish-Surnamed	11%	10%	8%	10%	19%	11%
	% Asian-Surnamed	4%	11%	3%	5%	5%	6%
	% Filipino-Surnamed	1%	1%	0%	1%	1%	1%
	% NH White est.	80%	71%	84%	77%	61%	76%
ACS Pop. Est.	Total	7,211	7,058	7,484	6,362	7,650	35,765
	Age						
Age	age0-19	22%	25%	22%	40%	28%	27%
	age20-60	47%	43%	50%	49%	53%	48%
	age60plus	31%	31%	29%	11%	19%	25%
Immigration	immigrants	18%	23%	21%	17%	17%	19%
	naturalized	74%	78%	74%	40%	58%	67%
Language spoken at home	english	75%	71%	72%	66%	65%	70%
	spanish	12%	10%	12%	14%	21%	14%
	asian-lang	9%	12%	9%	13%	9%	10%
	other lang	4%	7%	6%	7%	5%	6%
Language Fluency	Speaks Eng. "Less than Very Well"	7%	9%	6%	6%	12%	8%
Education (among those age 25+)	hs-grad	43%	32%	29%	38%	45%	37%
	bachelor	24%	26%	26%	23%	19%	24%
	graduatedegree	27%	38%	41%	36%	20%	32%
Child in Household	child-under18	24%	29%	25%	28%	30%	27%
Pct of Pop. Age 16+	employed	57%	56%	56%	46%	57%	55%
Household Income	income 0-25k	16%	6%	10%	14%	20%	13%
	income 25-50k	16%	10%	20%	15%	23%	17%
	income 50-75k	10%	11%	16%	8%	17%	13%
	income 75-200k	44%	45%	38%	50%	36%	42%
	income 200k-plus	14%	29%	16%	13%	4%	15%
Housing Stats	single family	86%	98%	64%	84%	65%	77%
	multi-family	14%	2%	36%	16%	35%	23%
	rented	24%	11%	53%	31%	51%	36%
	owned	76%	89%	47%	69%	49%	64%

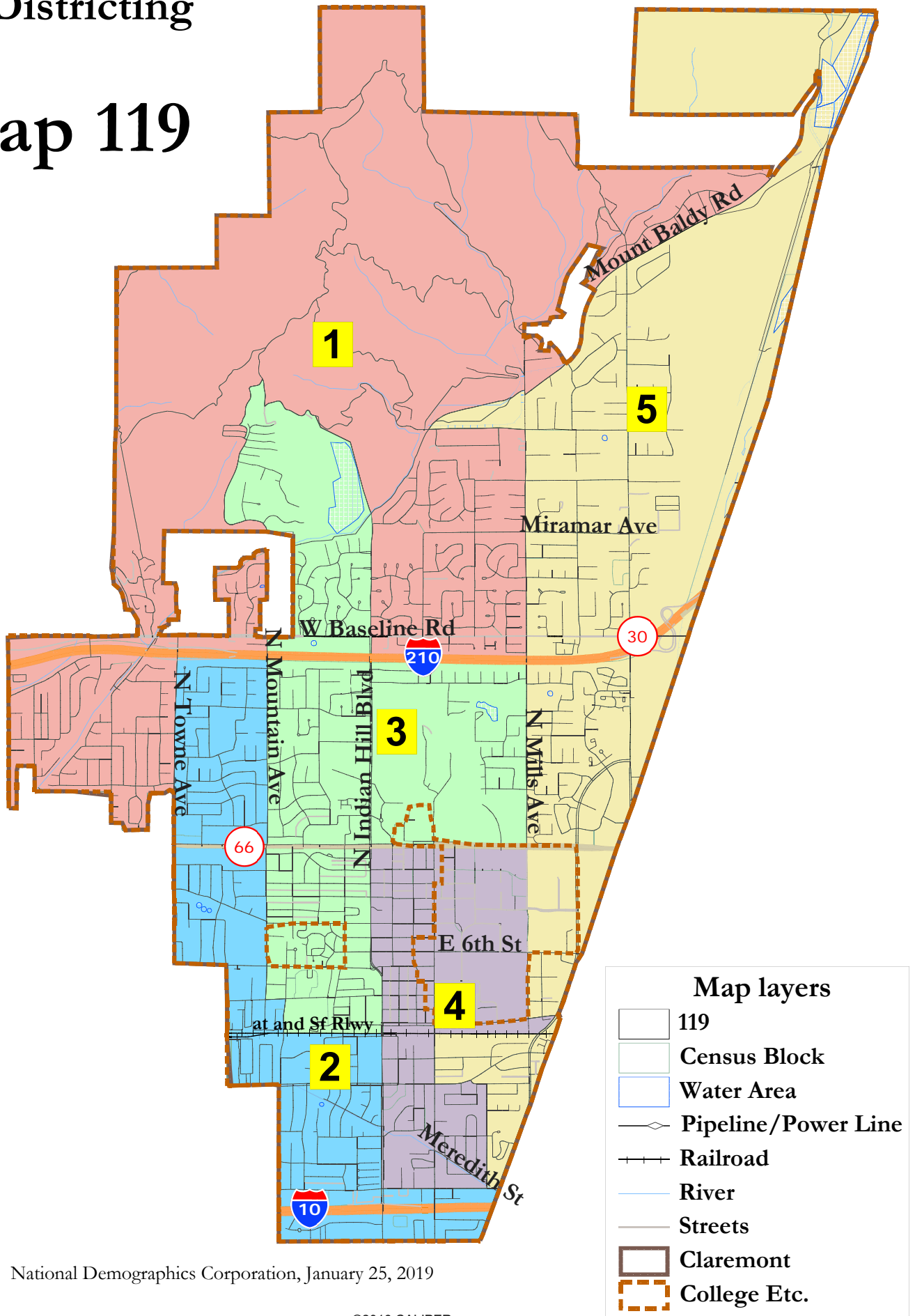
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Surname-based Voter Registration and Turnout data from the California Statewide Database.

Latino voter registration and turnout data are Spanish-surname counts adjusted using Census Population Department undercount estimates. NH White and NH Black registration and turnout counts estimated by NDC. Citizen Voting Age Pop., Age, Immigration, and other demographics from the 2012-2016 American Community Survey and Special Tabulation 5-year data.

# Claremont 2019 Districting

## Map 119



National Demographics Corporation, January 25, 2019

### Claremont - Map 119

District		1	2	3	4	5	Total	
Ideal	Total Pop	6,808	7,115	7,162	6,804	7,037	34,926	
6,985	Deviation from ideal	-177	130	177	-181	52	358	
	% Deviation	-2.53%	1.86%	2.53%	-2.59%	0.74%	5.13%	
Total Pop	% Hisp	18%	31%	14%	17%	18%	20%	
	% NH White	60%	47%	68%	61%	58%	59%	
	% NH Black	5%	8%	3%	5%	4%	5%	
	% Asian-American	16%	13%	14%	14%	17%	15%	
Citizen Voting Age Pop	Total	5,162	5,258	5,807	5,336	5,261	26,824	
	% Hisp	18%	29%	15%	20%	22%	21%	
	% NH White	63%	50%	66%	56%	59%	59%	
	% NH Black	3%	7%	6%	7%	2%	5%	
	% Asian/Pac.Isl.	15%	12%	12%	16%	16%	14%	
Voter Registration (Nov 2016)	Total	4,927	4,592	5,036	3,509	4,247	22,311	
	% Latino est.	15%	23%	15%	21%	16%	18%	
	% Spanish-Surnamed	14%	20%	13%	19%	15%	16%	
	% Asian-Surnamed	9%	5%	6%	5%	10%	7%	
	% Filipino-Surnamed	1%	1%	1%	1%	1%	1%	
	% NH White est.	70%	63%	73%	54%	68%	66%	
Voter Turnout (Nov 2016)	% NH Black	3%	7%	4%	14%	2%	6%	
	Total	3,922	3,513	3,965	2,369	3,164	16,934	
	% Latino est.	16%	22%	15%	21%	17%	18%	
	% Spanish-Surnamed	14%	20%	13%	19%	15%	16%	
	% Asian-Surnamed	8%	5%	5%	5%	9%	6%	
	% Filipino-Surnamed	1%	1%	1%	1%	1%	1%	
Voter Turnout (Nov 2014)	% NH White est.	71%	64%	75%	56%	69%	68%	
	% NH Black	3%	6%	4%	11%	2%	5%	
	Total	2,621	1,988	2,919	1,138	2,054	10,719	
	% Latino est.	12%	17%	9%	16%	12%	13%	
	% Spanish-Surnamed	11%	15%	8%	14%	11%	11%	
	% Asian-Surnamed	7%	4%	4%	4%	8%	6%	
ACS Pop. Est.	% Filipino-Surnamed	1%	1%	1%	0%	1%	1%	
	% NH White est.	75%	72%	85%	64%	74%	76%	
	% NH Black est.	4%	6%	2%	13%	4%	5%	
	Total	6,874	7,600	7,501	6,709	7,081	35,765	
	Age	age0-19	22%	26%	23%	36%	29%	27%
		age20-60	46%	52%	48%	50%	46%	48%
age60plus		31%	22%	29%	14%	25%	25%	
Immigration	immigrants	19%	20%	20%	15%	20%	19%	
	naturalized	80%	62%	73%	49%	66%	67%	
Language spoken at home	english	74%	66%	73%	67%	70%	70%	
	spanish	12%	17%	11%	16%	12%	14%	
	asian-lang	9%	11%	10%	11%	11%	10%	
	other lang	5%	5%	6%	6%	7%	6%	
Language Fluency	Speaks Eng. "Less than Very Well"	7%	11%	7%	7%	8%	8%	
Education (among those age 25+)	hs-grad	41%	40%	32%	38%	35%	37%	
	bachelor	25%	21%	25%	23%	25%	24%	
	graduatedegree	27%	29%	39%	29%	35%	32%	
Child in Household	child-under18	25%	30%	27%	26%	28%	27%	
Pct of Pop. Age 16+	employed	58%	57%	56%	49%	53%	55%	
Household Income	income 0-25k	13%	16%	10%	16%	11%	13%	
	income 25-50k	14%	21%	17%	21%	13%	17%	
	income 50-75k	12%	13%	13%	19%	11%	13%	
	income 75-200k	42%	40%	42%	36%	45%	42%	
	income 200k-plus	19%	10%	18%	8%	19%	15%	
Housing Stats	single family	91%	65%	75%	68%	88%	77%	
	multi-family	9%	35%	25%	32%	12%	23%	
	rented	19%	48%	39%	52%	25%	36%	
	owned	81%	52%	61%	48%	75%	64%	

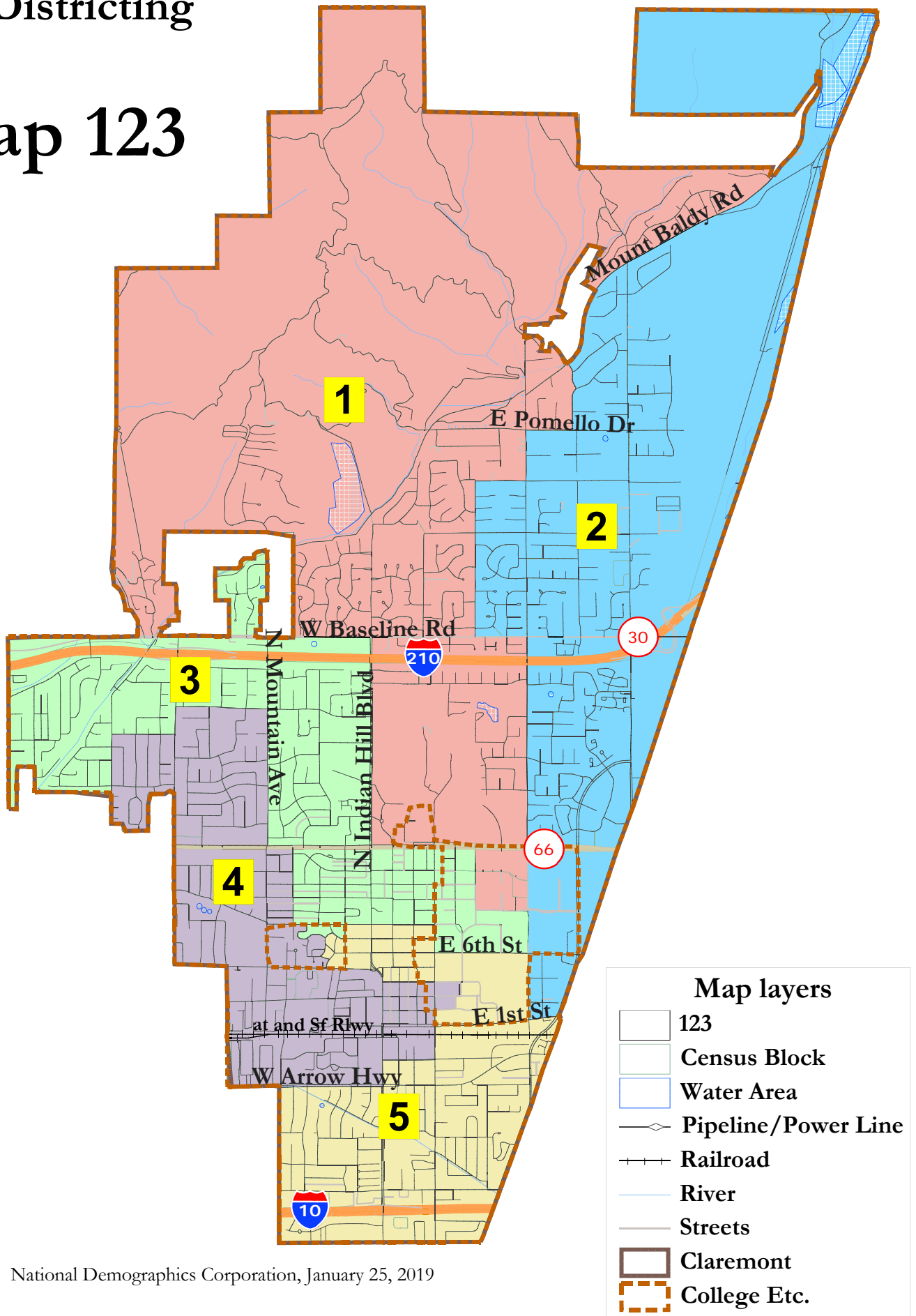
Total population data from the 2010 Decennial Census.

Surname-based Voter Registration and Turnout data from the California Statewide Database.

Latino voter registration and turnout data are Spanish-surname counts adjusted using Census Population Department undercount estimates. NH White and NH Black registration and turnout counts estimated by NDC. Citizen Voting Age Pop., Age, Immigration, and other demographics from the 2012-2016 American Community Survey and Special Tabulation 5-year data.

# Claremont 2019 Districting

## Map 123



National Demographics Corporation, January 25, 2019

### Claremont - Map 123

District		1	2	3	4	5	Total
Ideal	Total Pop	7,059	6,848	7,162	7,008	6,849	34,926
6,985	Deviation from ideal	74	-137	177	23	-136	314
	% Deviation	1.06%	-1.96%	2.53%	0.33%	-1.95%	4.50%
Total Pop	% Hisp	14%	16%	16%	20%	33%	20%
	% NH White	61%	58%	66%	59%	49%	59%
	% NH Black	3%	4%	4%	6%	8%	5%
	% Asian-American	20%	20%	12%	14%	8%	15%
Citizen Voting Age Pop	Total	5,319	5,193	5,711	5,463	5,138	26,824
	% Hisp	14%	21%	19%	19%	30%	21%
	% NH White	64%	59%	65%	53%	54%	59%
	% NH Black	3%	2%	3%	12%	5%	5%
	% Asian/Pac.Isl.	18%	17%	11%	15%	10%	14%
Voter Registration (Nov 2016)	Total	4,291	4,154	4,729	4,789	4,348	22,311
	% Latino est.	13%	14%	16%	16%	30%	18%
	% Spanish-Surnamed	12%	13%	14%	15%	27%	16%
	% Asian-Surnamed	10%	11%	5%	6%	4%	7%
	% Filipino-Surnamed	1%	1%	1%	1%	1%	1%
	% NH White est.	71%	69%	73%	65%	52%	66%
% NH Black	3%	2%	2%	9%	12%	6%	
Voter Turnout (Nov 2016)	Total	3,291	3,135	3,742	3,672	3,093	16,934
	% Latino est.	13%	14%	16%	16%	30%	18%
	% Spanish-Surnamed	12%	13%	14%	14%	27%	16%
	% Asian-Surnamed	9%	10%	4%	5%	4%	6%
	% Filipino-Surnamed	1%	1%	1%	1%	1%	1%
	% NH White est.	72%	71%	74%	67%	55%	68%
% NH Black	3%	2%	2%	8%	10%	5%	
Voter Turnout (Nov 2014)	Total	2,170	2,061	2,416	2,337	1,735	10,719
	% Latino est.	10%	12%	11%	12%	19%	13%
	% Spanish-Surnamed	9%	11%	10%	11%	17%	11%
	% Asian-Surnamed	8%	10%	4%	4%	3%	6%
	% Filipino-Surnamed	1%	1%	0%	1%	1%	1%
	% NH White est.	77%	73%	81%	78%	66%	76%
% NH Black est.	3%	4%	3%	5%	10%	5%	
ACS Pop. Est.	Total	6,989	6,810	7,270	7,313	7,384	35,765
Age	age0-19	29%	29%	26%	23%	28%	27%
	age20-60	46%	45%	48%	50%	52%	48%
	age60plus	25%	26%	26%	26%	20%	25%
Immigration	immigrants	21%	21%	18%	20%	17%	19%
	naturalized	69%	68%	66%	70%	60%	67%
Language spoken at home	english	70%	71%	72%	71%	66%	70%
	spanish	11%	11%	13%	14%	20%	14%
	asian-lang	12%	12%	10%	10%	9%	10%
	other lang	7%	7%	5%	6%	5%	6%
Language Fluency	Speaks Eng. "Less than Very Well"	8%	8%	6%	7%	10%	8%
Education (among those age 25+)	hs-grad	34%	34%	40%	35%	43%	37%
	bachelor	26%	25%	24%	24%	20%	24%
	graduatedegree	37%	37%	30%	35%	23%	32%
Child in Household	child-under18	29%	28%	24%	26%	29%	27%
Pct of Pop. Age 16+	employed	53%	53%	54%	56%	56%	55%
Household Income	income 0-25k	7%	9%	16%	13%	19%	13%
	income 25-50k	11%	12%	18%	20%	22%	17%
	income 50-75k	11%	10%	12%	15%	17%	13%
	income 75-200k	46%	47%	42%	39%	36%	42%
	income 200k-plus	25%	22%	13%	13%	5%	15%
Housing Stats	single family	96%	92%	77%	66%	65%	77%
	multi-family	4%	8%	23%	34%	35%	23%
	rented	13%	19%	35%	49%	52%	36%
	owned	87%	81%	65%	51%	48%	64%

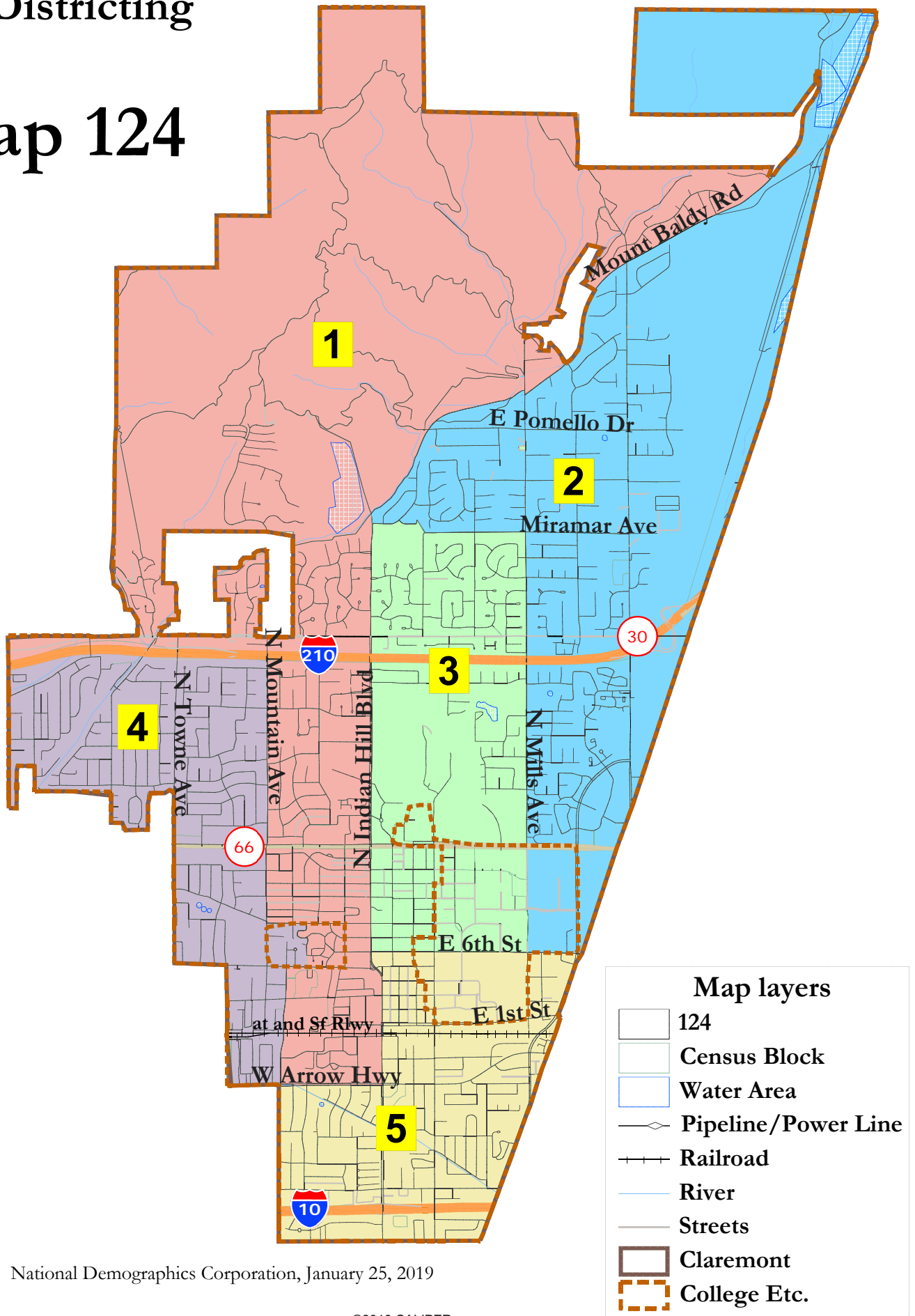
Total population data from the 2010 Decennial Census.

Surname-based Voter Registration and Turnout data from the California Statewide Database.

Latino voter registration and turnout data are Spanish-surname counts adjusted using Census Population Department undercount estimates. NH White and NH Black registration and turnout counts estimated by NDC. Citizen Voting Age Pop., Age, Immigration, and other demographics from the 2012-2016 American Community Survey and Special Tabulation 5-year data.

# Claremont 2019 Districting

## Map 124



National Demographics Corporation, January 25, 2019



### Claremont - Map 124

District		1	2	3	4	5	Total
Ideal	Total Pop	6,765	7,021	6,958	7,044	7,138	34,926
6,985	Deviation from ideal	-220	36	-27	59	153	373
	% Deviation	-3.15%	0.52%	-0.39%	0.84%	2.19%	5.34%
Total Pop	% Hisp	15%	16%	13%	22%	33%	20%
	% NH White	68%	58%	63%	58%	48%	59%
	% NH Black	4%	4%	4%	6%	8%	5%
	% Asian-American	12%	21%	18%	13%	9%	15%
Citizen Voting Age Pop	Total	5,221	5,384	5,407	5,453	5,359	26,824
	% Hisp	15%	21%	15%	21%	30%	21%
	% NH White	64%	59%	64%	57%	52%	59%
	% NH Black	6%	2%	4%	7%	6%	5%
	% Asian/Pac.Isl.	13%	18%	16%	13%	11%	14%
Voter Registration (Nov 2016)	Total	4,963	4,330	3,510	4,978	4,530	22,311
	% Latino est.	14%	14%	14%	17%	30%	18%
	% Spanish-Surnamed	12%	12%	12%	16%	27%	16%
	% Asian-Surnamed	6%	12%	7%	5%	5%	7%
	% Filipino-Surnamed	1%	1%	1%	1%	1%	1%
	% NH White est.	73%	69%	71%	69%	50%	66%
% NH Black	5%	2%	3%	6%	13%	6%	
Voter Turnout (Nov 2016)	Total	3,898	3,298	2,655	3,931	3,152	16,934
	% Latino est.	13%	14%	14%	17%	31%	18%
	% Spanish-Surnamed	12%	12%	13%	15%	28%	16%
	% Asian-Surnamed	6%	11%	6%	5%	4%	6%
	% Filipino-Surnamed	1%	1%	1%	1%	1%	1%
	% NH White est.	75%	71%	72%	70%	52%	68%
% NH Black	4%	2%	3%	6%	10%	5%	
Voter Turnout (Nov 2014)	Total	2,856	2,149	1,624	2,458	1,631	10,719
	% Latino est.	9%	11%	12%	14%	21%	13%
	% Spanish-Surnamed	8%	10%	10%	12%	19%	11%
	% Asian-Surnamed	4%	10%	6%	4%	4%	6%
	% Filipino-Surnamed	1%	1%	0%	1%	1%	1%
	% NH White est.	83%	74%	78%	78%	60%	76%
% NH Black est.	3%	4%	2%	4%	13%	5%	
ACS Pop. Est.	Total	6,934	7,003	6,827	7,366	7,636	35,765
Age	age0-19	23%	28%	32%	22%	30%	27%
	age20-60	47%	45%	49%	49%	52%	48%
	age60plus	30%	27%	19%	29%	18%	25%
Immigration	immigrants	22%	21%	18%	18%	16%	19%
	naturalized	75%	70%	59%	71%	57%	67%
Language spoken at home	english	72%	71%	69%	72%	66%	70%
	spanish	11%	11%	12%	14%	20%	14%
	asian-lang	10%	12%	12%	9%	9%	10%
	other lang	7%	7%	7%	4%	5%	6%
Language Fluency	Speaks Eng. "Less than Very Well"	7%	8%	6%	8%	10%	8%
Education (among those age 25+)	hs-grad	31%	34%	34%	42%	44%	37%
	bachelor	26%	26%	25%	23%	20%	24%
	graduatedegree	39%	37%	37%	28%	21%	32%
Child in Household	child-under18	27%	29%	28%	24%	29%	27%
Pct of Pop. Age 16+	employed	56%	53%	51%	57%	55%	55%
Household Income	income 0-25k	9%	9%	9%	17%	20%	13%
	income 25-50k	16%	12%	15%	20%	22%	17%
	income 50-75k	13%	10%	12%	12%	17%	13%
	income 75-200k	41%	47%	46%	40%	37%	42%
	income 200k-plus	20%	23%	18%	11%	4%	15%
Housing Stats	single family	77%	93%	84%	72%	66%	77%
	multi-family	23%	7%	16%	28%	34%	23%
	rented	36%	16%	29%	40%	52%	36%
	owned	64%	84%	71%	60%	48%	64%

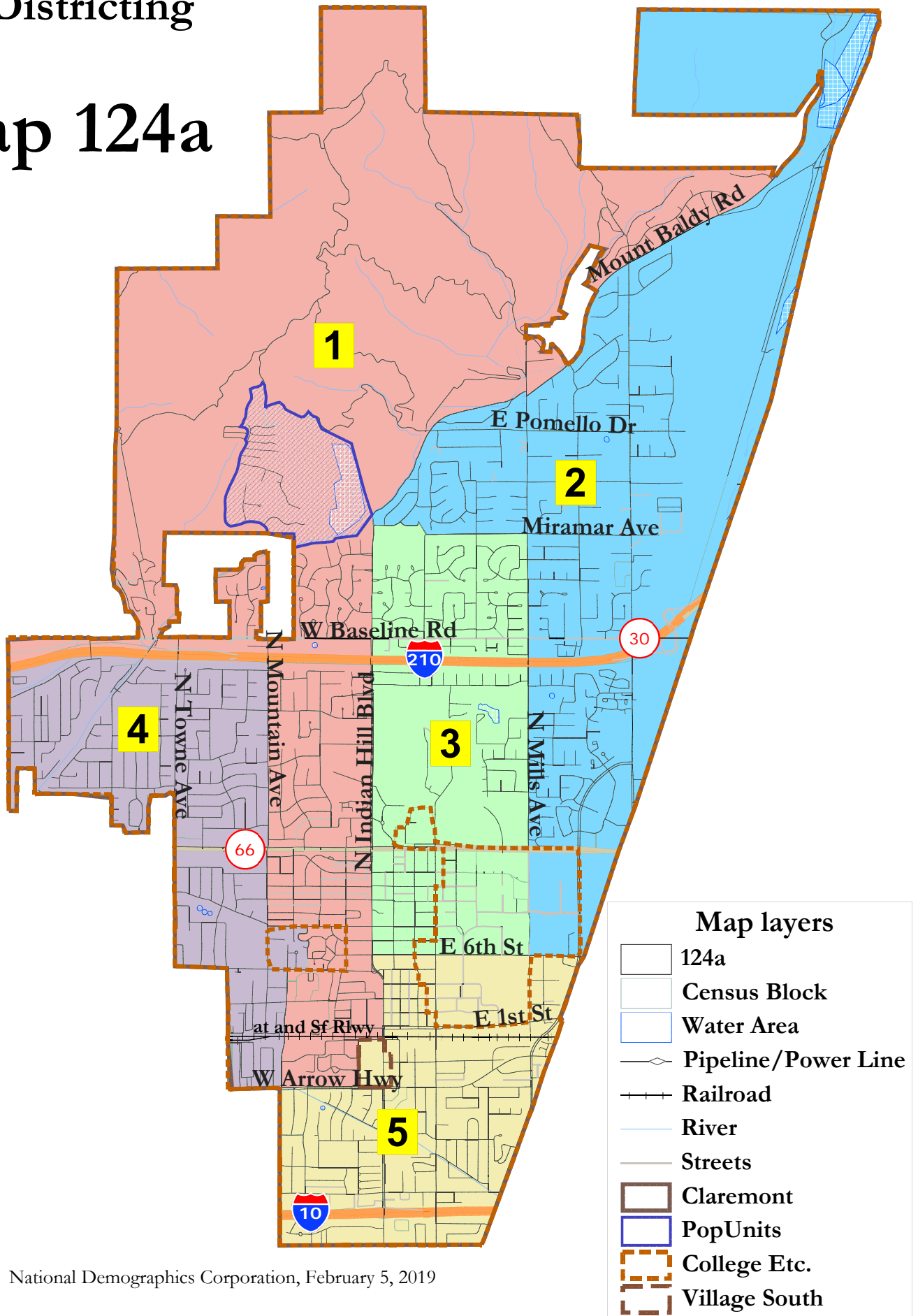
Total population data from the 2010 Decennial Census.

Surname-based Voter Registration and Turnout data from the California Statewide Database.

Latino voter registration and turnout data are Spanish-surname counts adjusted using Census Population Department undercount estimates. NH White and NH Black registration and turnout counts estimated by NDC. Citizen Voting Age Pop., Age, Immigration, and other demographics from the 2012-2016 American Community Survey and Special Tabulation 5-year data.

# Claremont 2019 Districting

## Map 124a



National Demographics Corporation, February 5, 2019

### Claremont - Map 124a

District		1	2	3	4	5	Total
Ideal	Total Pop	6,750	7,021	6,958	7,044	7,153	34,926
6,985	Deviation from ideal	-235	36	-27	59	168	403
	% Deviation	-3.36%	0.52%	-0.39%	0.84%	2.41%	5.77%
Total Pop	% Hisp	15%	16%	13%	22%	33%	20%
	% NH White	68%	58%	63%	58%	48%	59%
	% NH Black	4%	4%	4%	6%	8%	5%
	% Asian-American	12%	21%	18%	13%	9%	15%
Citizen Voting Age Pop	Total	5,211	5,384	5,407	5,453	5,370	26,824
	% Hisp	15%	21%	15%	21%	30%	21%
	% NH White	64%	59%	64%	57%	52%	59%
	% NH Black	6%	2%	4%	7%	6%	5%
	% Asian/Pac.Isl.	13%	18%	16%	13%	11%	14%
Voter Registration (Nov 2016)	Total	4,960	4,340	3,500	4,978	4,533	22,311
	% Latino est.	14%	14%	14%	17%	30%	18%
	% Spanish-Surnamed	12%	12%	12%	16%	27%	16%
	% Asian-Surnamed	6%	12%	7%	5%	5%	7%
	% Filipino-Surnamed	1%	1%	1%	1%	1%	1%
	% NH White est.	73%	69%	71%	69%	50%	66%
% NH Black	5%	2%	3%	6%	13%	6%	
Voter Turnout (Nov 2016)	Total	3,896	3,306	2,647	3,931	3,155	16,934
	% Latino est.	13%	14%	14%	17%	31%	18%
	% Spanish-Surnamed	12%	12%	13%	15%	28%	16%
	% Asian-Surnamed	6%	11%	6%	5%	4%	6%
	% Filipino-Surnamed	1%	1%	1%	1%	1%	1%
	% NH White est.	75%	71%	72%	70%	52%	68%
% NH Black	4%	2%	3%	6%	10%	5%	
Voter Turnout (Nov 2014)	Total	2,854	2,150	1,623	2,458	1,634	10,719
	% Latino est.	8%	11%	12%	14%	21%	13%
	% Spanish-Surnamed	8%	10%	10%	12%	19%	11%
	% Asian-Surnamed	4%	10%	6%	4%	4%	6%
	% Filipino-Surnamed	1%	1%	0%	1%	1%	1%
	% NH White est.	83%	74%	78%	78%	60%	76%
% NH Black est.	3%	4%	2%	4%	13%	5%	
ACS Pop. Est.	Total	6,918	7,003	6,827	7,366	7,652	35,765
Age	age0-19	23%	28%	32%	22%	30%	27%
	age20-60	47%	45%	49%	49%	52%	48%
	age60plus	30%	27%	19%	29%	18%	25%
Immigration	immigrants	22%	21%	18%	18%	16%	19%
	naturalized	75%	70%	59%	71%	57%	67%
Language spoken at home	english	72%	71%	69%	72%	66%	70%
	spanish	11%	11%	12%	14%	20%	14%
	asian-lang	10%	12%	12%	9%	9%	10%
	other lang	7%	7%	7%	4%	5%	6%
Language Fluency	Speaks Eng. "Less than Very Well"	7%	8%	6%	8%	10%	8%
Education (among those age 25+)	hs-grad	31%	34%	34%	42%	44%	37%
	bachelor	26%	26%	25%	23%	20%	24%
	graduatedegree	39%	37%	37%	28%	21%	32%
Child in Household	child-under18	27%	29%	28%	24%	29%	27%
Pct of Pop. Age 16+	employed	56%	53%	51%	57%	55%	55%
Household Income	income 0-25k	9%	9%	9%	17%	20%	13%
	income 25-50k	16%	12%	15%	20%	22%	17%
	income 50-75k	13%	10%	12%	12%	17%	13%
	income 75-200k	41%	47%	46%	40%	37%	42%
	income 200k-plus	20%	23%	18%	11%	4%	15%
Housing Stats	single family	77%	93%	84%	72%	66%	77%
	multi-family	23%	7%	16%	28%	34%	23%
	rented	36%	16%	29%	40%	52%	36%
	owned	64%	84%	71%	60%	48%	64%

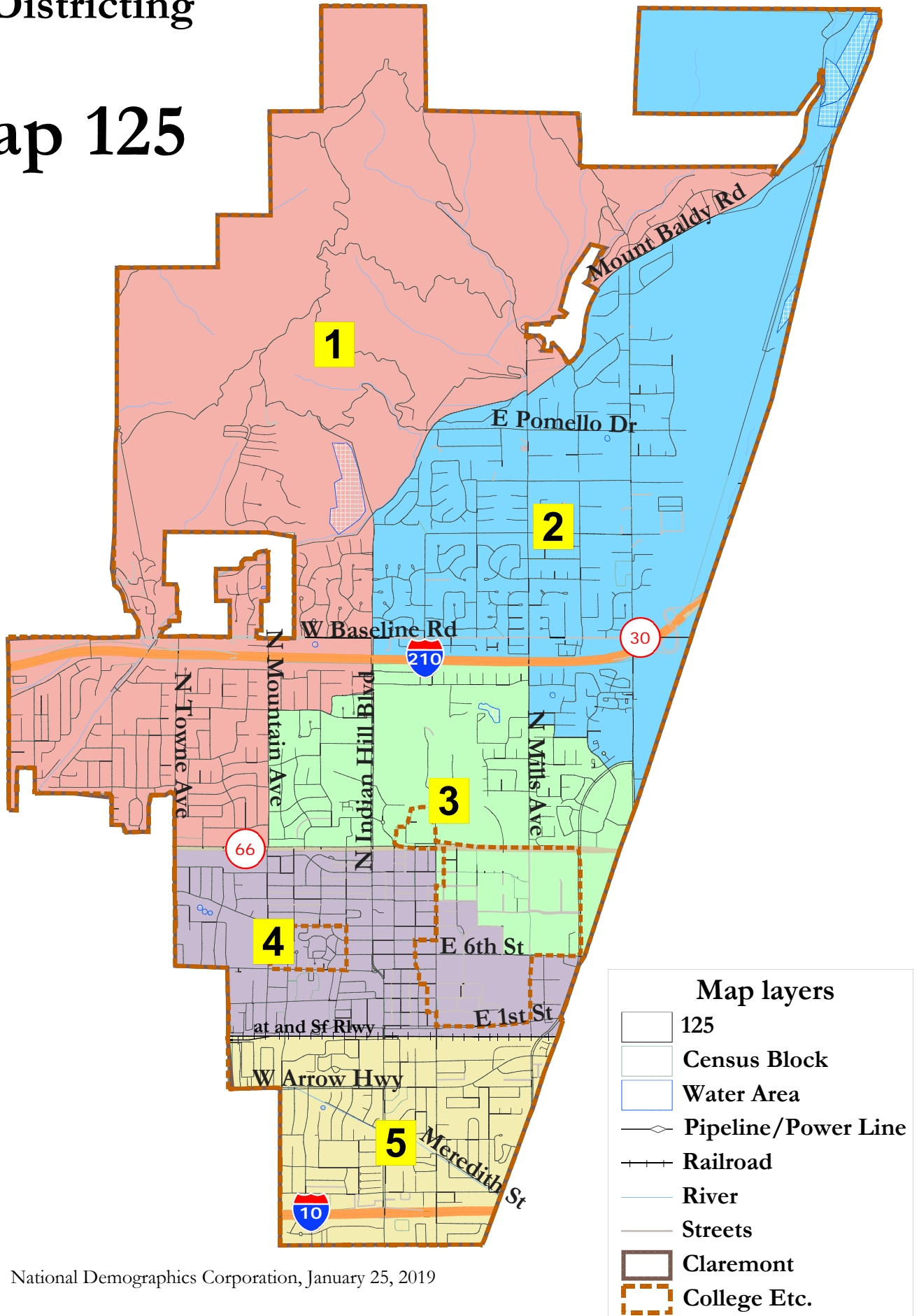
Total population data from the 2010 Decennial Census.

Surname-based Voter Registration and Turnout data from the California Statewide Database.

Latino voter registration and turnout data are Spanish-surname counts adjusted using Census Population Department undercount estimates. NH White and NH Black registration and turnout counts estimated by NDC. Citizen Voting Age Pop., Age, Immigration, and other demographics from the 2012-2016 American Community Survey and Special Tabulation 5-year data.

# Claremont 2019 Districting

## Map 125



National Demographics Corporation, January 25, 2019

## Claremont - Map 125

District		1	2	3	4	5	Total
Ideal	Total Pop	7,211	6,881	6,943	6,898	6,993	34,926
6,985	Deviation from ideal	226	-104	-42	-87	8	330
	% Deviation	3.24%	-1.49%	-0.60%	-1.25%	0.11%	4.72%
Total Pop	% Hisp	19%	16%	14%	15%	35%	20%
	% NH White	63%	57%	63%	68%	43%	59%
	% NH Black	5%	4%	4%	4%	9%	5%
	% Asian-American	12%	22%	18%	11%	11%	15%
Citizen Voting Age Pop	Total	5,396	5,216	5,576	5,439	5,197	26,824
	% Hisp	18%	18%	19%	17%	32%	21%
	% NH White	65%	60%	63%	57%	50%	59%
	% NH Black	3%	2%	4%	11%	6%	5%
	% Asian/Pac.Isl.	13%	20%	13%	13%	11%	14%
Voter Registration (Nov 2016)	Total	5,602	4,933	2,962	4,635	4,179	22,311
	% Latino est.	17%	14%	15%	12%	32%	18%
	% Spanish-Surnamed	15%	12%	13%	11%	29%	16%
	% Asian-Surnamed	6%	13%	6%	5%	4%	7%
	% Filipino-Surnamed	1%	1%	1%	1%	1%	1%
	% NH White est.	71%	69%	73%	64%	55%	66%
Voter Turnout (Nov 2016)	% NH Black	3%	2%	3%	14%	7%	6%
	Total	4,466	3,854	2,154	3,402	3,057	16,934
	% Latino est.	17%	14%	15%	12%	32%	18%
	% Spanish-Surnamed	15%	12%	14%	11%	28%	16%
	% Asian-Surnamed	5%	11%	5%	5%	4%	6%
	% Filipino-Surnamed	1%	1%	1%	1%	1%	1%
	% NH White est.	72%	70%	74%	68%	56%	68%
Voter Turnout (Nov 2014)	% NH Black	3%	2%	3%	11%	7%	5%
	Total	2,867	2,579	1,294	2,412	1,567	10,719
	% Latino est.	13%	12%	10%	9%	22%	13%
	% Spanish-Surnamed	11%	10%	9%	8%	19%	11%
	% Asian-Surnamed	5%	11%	4%	2%	5%	6%
	% Filipino-Surnamed	1%	1%	0%	0%	1%	1%
	% NH White est.	77%	73%	82%	83%	61%	76%
% NH Black est.	4%	3%	2%	4%	12%	5%	
ACS Pop. Est.	Total	7,394	6,941	6,840	6,940	7,650	35,765
Age	age0-19	22%	25%	35%	26%	28%	27%
	age20-60	46%	45%	49%	50%	53%	48%
	age60plus	32%	30%	17%	24%	19%	25%
Immigration	immigrants	19%	22%	17%	21%	17%	19%
	naturalized	75%	78%	48%	70%	58%	67%
Language spoken at home	english	74%	72%	69%	70%	65%	70%
	spanish	12%	10%	13%	13%	21%	14%
	asian-lang	9%	11%	12%	10%	9%	10%
	other lang	5%	7%	6%	7%	5%	6%
Language Fluency	Speaks Eng. "Less than Very Well"	8%	8%	6%	6%	12%	8%
Education (among those age 25+)	hs-grad	42%	33%	38%	27%	45%	37%
	bachelor	24%	26%	24%	26%	19%	24%
	graduatedegree	28%	37%	36%	43%	20%	32%
Child in Household	child-under18	24%	29%	28%	25%	30%	27%
Pct of Pop. Age 16+	employed	56%	56%	49%	54%	57%	55%
Household Income	income 0-25k	15%	7%	14%	9%	20%	13%
	income 25-50k	15%	11%	16%	20%	23%	17%
	income 50-75k	10%	11%	7%	17%	17%	13%
	income 75-200k	43%	46%	50%	37%	36%	42%
	income 200k-plus	17%	25%	13%	17%	4%	15%
Housing Stats	single family	88%	96%	86%	61%	65%	77%
	multi-family	12%	4%	14%	39%	35%	23%
	rented	22%	13%	26%	58%	51%	36%
	owned	78%	87%	74%	42%	49%	64%
Total population data from the 2010 Decennial Census.							
Surname-based Voter Registration and Turnout data from the California Statewide Database.							
Latino voter registration and turnout data are Spanish-surname counts adjusted using Census Population Department undercount estimates. NH White and NH Black registration and turnout counts estimated by NDC. Citizen Voting Age Pop., Age, Immigration, and other demographics from the 2012-2016 American Community Survey and Special Tabulation 5-year data.							

Proposed Election Sequences are only listed for the “focus” maps chosen / requested by the Council on February 4<sup>th</sup>. For earlier maps, see the previous Sequencing memo.

Two districts must hold elections in 2020, and three in 2022.

Map	2020 Election	2022 Election
110	4 and either 3 or 5	1, 2 and either 3 or 5
114	4 and one of 1, 3 or 5	2 and two of 1, 3 or 5
114a	4 and one of 1, 3 or 5	2 and two of 1, 3 or 5
115	4 and either 3 or 5	1, 2 and either 3 or 5
115a	4 and one of 2, 3 or 5	1 and three of 2, 3 or 5
123	3 and 5	1, 2 and 4
124	1 and 5	2, 3 and 4
124a	1 and 5	2, 3 and 4
125	4 and one of 1, 3 or 5	2 and two of 1, 3 or 5



# Claremont City Council

## Agenda Report

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**File #:** 2746

**Item No:** 6.

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**TO:** CITY COUNCIL

**FROM:** JOSEPH LARSEN, ACTING CITY ATTORNEY

**DATE:** FEBRUARY 12, 2019

**Reviewed by:**

City Manager: TS

Finance Director: AP

**SUBJECT:**

**PUBLIC HEARING, INTRODUCTION, AND FIRST READING OF AN ORDINANCE ADOPTING, ESTABLISHING, AND IMPLEMENTING A BY-DISTRICT METHOD OF ELECTION, VOTING DISTRICT MAP AND ELECTION SEQUENCE**

**SUMMARY**

The detailed background and analysis relating to this action is contained in the staff report for Item No. 4 on the City Council's February 12, 2019 agenda.

At its November 27, 2018 meeting, the City Council adopted Resolution No. 2018-67 expressing its intention to move from its current at-large method of election for City Councilmembers to a by-district system, pursuant to Government Code Section 34886 and Elections Code Section 10010. The City Council has held all the public hearings required by Elections Code Section 10010, including two public hearings before any draft voting district maps were presented to the City Council, and two public hearings where draft voting district maps were discussed.

Staff now recommends that the City Council select a voting district map and election sequence, and conduct a first reading of an ordinance (Attachment) that will implement a by-district method of election, beginning with the City's November 2020 election.

**RECOMMENDATION**

Staff recommends that the City Council conduct a public hearing and introduce for first reading of AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF CLAREMONT, CALIFORNIA ESTABLISHING AND IMPLEMENTING BY-DISTRICT ELECTIONS, incorporating the selection of a voting map and election sequence.

## **FINANCIAL REVIEW**

The estimated cost of the transition to district elections, which consists of hiring a demographer (NDC) and additional City Attorney time, will be approximately \$75,000, including the four additional public workshops that were attended by the City's demographer. The City Council already appropriated these funds at its November 27, 2018 and January 8, 2019 hearings.

The ultimate cost of attempting to retain the City's current at-large method of election could potentially be in the millions of dollars and have a significant impact on the City's General Fund reserve balance.

## **ANALYSIS**

As required by Elections Code Section 10010, Resolution No. 2018-67 set forth a tentative schedule for the required public hearings. The first two hearings, held on January 8 and 17, 2019, were required to be conducted for the purpose of receiving public comment regarding the composition of the yet to be formed voting districts before any draft maps are considered by the City Council. The City Council then considered, discussed, and took public comment on draft voting district maps submitted by both the public and NDC at public hearings on February 4 and 12, 2019. While not required by law, the City Council also held four weekend workshops to allow the public additional opportunities to provide comment and participate in the process. The workshops were held on January 13 and February 9, 2019. Through the outreach process, the City received 31 community maps and numerous public comments.

The proposed ordinance (Attachment) would amend the City's Municipal Code to add new Chapter 2.10 implementing a by-district system of election. The ordinance has "blanks" for the City Council's selected voting district map and election sequence, which will be inserted when the selection is made at the February 12, 2019 hearing. Regardless of the election sequence chosen by the City Council, two district seats will be placed on the November 2020 ballot, and the remaining three seats will be placed on the November 2022 ballot, at which time the City's transition to a by-district method of election will be complete.

## **RELATIONSHIP TO CITY PLANNING DOCUMENTS**

Staff has evaluated the agenda item in relationship to the City's strategic and visioning documents and finds the following:

**Council Priorities** - This item does not relate to the Council Priorities.

**Sustainability Plan** - This item does not relate to the Sustainability Plan.

**Economic Sustainability Plan** - This item does relate to the Economic Sustainability Plan.

**General Plan** - This item does relate to the General Plan.

**2018-19 Budget** - This is an unbudgeted item, and therefore does not relate to the 2018-19 Budget.

**Youth and Family Master Plan** - This item does not relate to the Youth and Family Master Plan.



## **CEQA REVIEW**

In accordance with the California Environmental Quality Act (CEQA), this matter is covered by the general rule that CEQA applies only to projects that have the potential for causing a significant effect on the environment in accordance with Section 15061(b)(3) of the Guidelines. The proposed action, beginning the transition from at-large to by-district elections, does not result in a physical change to the environment that can be associated with the action. Therefore, CEQA does not apply, and no environmental review is needed.

## **PUBLIC NOTICE PROCESS**

This item has been noticed through the regular agenda notification process. Copies are available at the City Hall public counter, the Youth Activity Center, the Alexander Hughes Community Center, and the City website.

Submitted by:

Joseph Larsen  
Acting City Attorney

Reviewed by:

Tara Schultz  
City Manager

Attachment:

Ordinance Establishing By-District Elections

**ORDINANCE NO. 2019-****AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF CLAREMONT, CALIFORNIA ESTABLISHING AND IMPLEMENTING BY-DISTRICT ELECTIONS (GOV. CODE § 34886 & ELEC. CODE §10010)**

**WHEREAS**, the City of Claremont currently elects its members of the City Council using an at-large method of election where candidates may reside in any part of the City and each member of the City Council is elected by the voters of the entire City; and

**WHEREAS**, while the City Council of the City of Claremont strongly believes that the interests of all of the City's residents have been fully and fairly represented under the City's current at-large method of election, the City Council nonetheless finds that moving to a by-district method of election is in the best interest of the City and its taxpayers because of the status of State law – specifically, the California Voting Rights Act – and the significant litigation costs that could result if the City tries to maintain its current at-large method of election; and

**WHEREAS**, California Government Code Section 34886, effective January 1, 2017, permits the City Council, notwithstanding any other provision of law, to change the City's method of election by ordinance to a "by-district" system in which each member of the City Council is elected only by the voters in the district in which the candidate resides; and

**WHEREAS**, under the provisions of California Elections Code Section 10010, a city that changes from an at-large city council method of election to a by-district city council method of election requires a total of five public hearings, which includes at least two public hearings regarding potential voting district boundaries prior to the release and consideration of any draft voting district maps, and two public hearings following the release of draft voting district map(s); and

**WHEREAS**, at a regular meeting of the City Council of the City of Claremont held on the 27th day of November, 2018, the City Council adopted Resolution 2018-67 that expressed the City's intent to transition to a by-district method of election, initiated the process, and adopted the schedule for a series of public hearings regarding the proposed change; and

**WHEREAS**, thereafter, at a regular meeting and special meeting of the City Council of the City of Claremont, held on the 8th and 17th days of January, 2019 (respectively), pursuant to California Elections Code Section 10010(a)(1), the City Council held public hearings where the public was invited to provide input regarding the composition of the City's voting districts before any draft maps were drawn, and the City Council of the City of Claremont considered and discussed the same; and

**WHEREAS**, at the regular meeting of the City Council of the City of Claremont held on the 8th day of January, 2019, the City Council adopted Resolution No. 2019-06

defining the mandatory and permissive criteria it would consider when drawing voting district maps; and

**WHEREAS**, thereafter, at a special and a regular meeting of the City Council of the City of Claremont held on the 4th and 12th days of February, 2019 (respectively), pursuant to California Elections Code Section 10010(a)(2), the City Council held public hearings where the public was invited to provide input regarding the content of the draft maps that had been released at least seven (7) days before each meeting, as well as the proposed sequence of elections, and the City Council of the City of Claremont considered and discussed the same; and

**WHEREAS**, at the regular meeting of the City Council of the City of Claremont held on the 12th day of February, 2019, the City Council held a final public hearing on the proposal to establish district boundaries, reviewed additional public input, formally selected the voting district map and the election sequence attached to, incorporated in, and set forth in this Ordinance, which was introduced for a first reading at the same regular meeting of the City Council of the City of Claremont; and

**WHEREAS**, at the regular meeting of the City Council of the City of Claremont held on the 26th day of February, 2019, the City Council of the City of Claremont conducted a second reading and adopted the Ordinance; and

**WHEREAS**, the purpose of this Ordinance is to enact, pursuant to California Government Code Section 34886, an Ordinance providing for the election of members of the City Council of the City of Claremont by-district in five single-member districts as reflected as an Exhibit to this Ordinance, in furtherance of the purposes of the California Voting Rights Act of 2001 (Chapter 1.5 (commencing with Section 14025) of Division 14 of the Elections Code) ("CVRA") and to implement the guarantees of Section 7 of Article 1 and of Section 1 of Article II of the California Constitution; and

**WHEREAS**, the ability of the City to adopt a by-district method of election by ordinance, pursuant to Government Code section 34886, in furtherance of the purposes of the CVRA, is a matter of statewide concern and supersedes all other provisions of California and local law.

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

**SECTION 1.** The foregoing recitals are true and correct, and incorporated by reference as if fully set forth herein.

**SECTION 2.** Chapter 2 of the Claremont Municipal Code is hereby amended by adding a new Chapter 2.10, "District Elections," to read as follows:

**12.10.010 By-District Electoral System.**

Pursuant to California Government Code Section 34886 and the schedule established in Section \_\_\_\_ of this Chapter, beginning in November 2020, the five

members of the City Council shall be elected on a by-district basis from five (5) single-member Council Districts. The City's by-district electoral system shall be conducted in accordance with California Government Code Section 34871, subdivision (a).

**12.10.020 Establishment of City Council Electoral Districts.**

A. The five members of the City Council shall be elected on a by-district basis, as that term is defined in California Government Code Section 34871, subdivision (a), from the five Council Districts depicted on the following map, which shall continue in effect until they are amended or repealed in accordance with law:

[INSERT FINAL MAP]

B. Members of the City Council shall be elected in the electoral districts established by this Section and subsequently reapportioned pursuant to applicable State and federal law.

C. Except as provided in subdivision D herein and notwithstanding any other provision of this Article, once this Ordinance is fully phased in, each member of the City Council elected to represent a district must reside in that district and be a registered voter in that district, and any candidate for City Council must live in, and be a registered voter in, the district in which he or she seeks election at the time nomination papers are issued, pursuant to California Government Code section 34882 and Elections Code section 10227. Termination of residency in a district by a member of the City Council shall create an immediate vacancy for that Council district unless a substitute residence within the district is established within thirty (30) days after the termination of residency.

D. Notwithstanding any other provision of this Section, and consistent with the requirements of California Government Code Section 36512, the members of the City Council in office at the time the Ordinance codified in this Chapter takes effect shall continue in office until the expiration of the full term to which he or she was elected and until his or her successor is qualified. At the end of the term of each member of the City Council that member of the City Council's successor shall be elected on a by-district basis in the districts established in this Section and as provided in this Article.

**12.10.030 Election Schedule.**

Except as otherwise required by California Government Code Section 36512, the members of the City Council shall be elected from Council Districts \_\_\_ and \_\_\_ beginning at the General Municipal Election in November 2020, and every four years thereafter, as such Council Districts shall be amended. Members of the City Council shall be elected from Council Districts \_\_\_, \_\_\_ and \_\_\_ beginning at the

General Municipal Election in November 2022, and every four years thereafter, as such Council Districts shall be amended.

**SECTION 3.** A map showing the districts described in this Ordinance and codified in Section 12.10.020 of the City of Claremont Municipal Code is attached hereto as an Exhibit and incorporated herein by reference.

**SECTION 4.** If necessary to facilitate the implementation of this Ordinance, the City Clerk is authorized to make technical adjustments to the district boundaries that do not substantively affect the populations in the districts, the eligibility of candidates, or the residence of elected officials within any district. The City Clerk shall consult with the City Manager and City Attorney concerning any technical adjustments deemed necessary and shall advise the City Council of any such adjustments required in the implementation of the districts.

**SECTION 5.** In the event at any time in the future the California Voting Rights Act is amended, found to be unconstitutional, or otherwise is no longer applicable to the City, the City Council expressly indicates its intention that the by-district election method be re-examined, and on behalf of itself and all future City Councils, expressly reserves its right to repeal or modify this Ordinance.

**SECTION 6.** To the extent the terms and provisions of this Ordinance may be inconsistent or in conflict with the terms or conditions of any prior City ordinance, motion, resolution, rule or regulation governing the same subject, the terms of this Ordinance shall prevail with respect to the subject matter thereof.

**SECTION 7.** In interpreting this Ordinance or resolving any ambiguity, this Ordinance shall be interpreted in a manner that effectively accomplishes its stated purposes, consistent with applicable law.

**SECTION 8.** If any section, subsection, subdivision, sentence, clause, phrase, or portion of this Ordinance is for any reason held to be invalid or unconstitutional by the decision of any court of competent jurisdiction, then such decision shall not affect the validity of the remaining portions of this Ordinance. The City Council of the City of Claremont hereby declares the Council would have adopted this Ordinance, and each section, subsection, subdivision, sentence, clause, phrase, or portion thereof, irrespective of the fact that anyone or more sections, subsections, subdivisions, sentences, clauses, phrases, or portions thereof be declared invalid or unconstitutional.

**INTRODUCED** at a regular meeting of the City Council of the City of Claremont held on the 12th day of February 2019, and thereafter,

**PASSED, APPROVED AND ADOPTED** at a regular meeting of the City Council of the City of Claremont held on the \_\_\_\_ day of \_\_\_\_\_, 2019.

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Mayor, City of Claremont

ATTEST:

\_\_\_\_\_  
City Clerk, City of Claremont

APPROVED AS TO FORM:

\_\_\_\_\_  
A handwritten signature in black ink, consisting of stylized initials and a long horizontal stroke.

City Attorney, City of Claremont

District Map will be Included as an Exhibit to the Ordinance



# Claremont City Council

## Agenda Report

File #: 2741

Item No: 7.

TO: TARA SCHULTZ, CITY MANAGER  
FROM: COLIN TUDOR, ASSISTANT CITY MANAGER  
DATE: FEBRUARY 12, 2019

Reviewed by:  
City Manager: TS  
Finance Director: AP

### SUBJECT:

### **CLAREMONT MUNICIPAL CODE AMENDMENT REGULATING RECREATIONAL, MEDICAL, AND COMMERCIAL USES OF MARIJUANA**

### SUMMARY

The City Council adopted a ban on marijuana in 2006. On January 19, 2016, the City Council adopted an ordinance to clarify its ban on marijuana dispensaries, cultivation, and delivery services, as permitted by the Medical Marijuana Regulation and Safety Act of 2015 (“MMRSA”). Proposition 64, the Adult Use of Marijuana Act (“AUMA”), was adopted by the voters on November 8, 2016. The AUMA immediately legalized possession, transport, purchase, use, and transfer of recreational marijuana for individuals 21 years of age or older. Beginning in January of 2018, the AUMA also established a state regulatory and licensing program for nonmedical *commercial* marijuana cultivation, testing, distribution, and manufacturing.

On October 11, 2016, the City adopted Ordinance No. 2016-11 prohibiting *commercial* marijuana operations, including retail dispensaries, cultivation and manufacturing facilities, as well as delivery services within the City. While Proposition 64 allows for cities to ban these commercial enterprises, it is important to note that cities cannot prohibit personal cultivation of six plants or fewer for personal use. Any restriction on individual adults from possessing or purchasing certain amounts of marijuana or marijuana products for personal use is unenforceable under AUMA.

Recently, and despite concerns by local governments and California Police Chiefs, the Bureau of Cannabis Control chose to adopt regulations that now allow cannabis deliveries within the State, regardless of local ordinances or regulations. Although deliveries to individuals in the City are allowed, it does not mean a delivery business can be established in the City of Claremont. This new regulation has been considered in both the proposed urgency and regular ordinances.



When the City's commercial ban was adopted in 2016, staff indicated updates would be provided to the City Council over the next 12-24 months on the status of what is happening in other cities once legalization occurred. When the ordinance was approved, the City Council opted to add a sunset clause to the ordinance of December 31, 2018.

Since the adoption of the ordinance, staff has monitored what has happened around the State and provided an update to the City Council at the May 20, 2017 Council Priorities Workshop. At that meeting, the City Council approved the staff recommendation to continue the current policy of commercial prohibition and to consider any changes to the marijuana policy at such a time that State permits have been issued and there are clear guidelines from the State and Federal government to guide a regulatory framework in the City. At this time staff does not believe there are sufficient best practices or guidelines to follow in order to consider a regulatory structure and the ban is still the best policy decision.

In order to continue the commercial ban, staff recommends that the City Council adopt an urgency ordinance to immediately reaffirm the ban and introduce an ordinance to adopt an ongoing ban. If the City Council reaffirms and readopts the ban, they may request to have the item brought back for discussion and consideration at any time.

## **RECOMMENDATION**

Staff recommends that the City Council:

- A. Adopt AN URGENCY ORDINANCE EXTENDING ORDINANCE NO. 2016-11 AND THE REGULATIONS SET FORTH IN CHAPTER 9.72 OF THE CLAREMONT MUNICIPAL CODE RELATING TO THE PERSONAL, MEDICAL, AND COMMERCIAL USE OF MARIJUANA; and
- B. Introduce AN ORDINANCE EXTENDING ORDINANCE NO. 2016-11 AND THE REGULATIONS SET FORTH IN CHAPTER 9.72 OF THE CLAREMONT MUNICIPAL CODE RELATING TO THE PERSONAL, MEDICAL, AND COMMERCIAL USE OF MARIJUANA.

## **ALTERNATIVES TO RECOMMENDATION**

In addition to the staff recommendation, there are the following alternatives:

- A. Direct staff to bring an update to a future City Council meeting.
- B. Provide additional direction and request staff bring a revised ordinance to a future meeting.

## **FINANCIAL REVIEW**

The staff cost to research and prepare this report is estimated at \$2,000 and is included in the operating budgets of the City Manager's Office and City Attorney.

## **ANALYSIS**

After the passage of Proposition 64 and the adoption of Claremont Ordinance No. 2016-11, staff has monitored the State licensing process, existing and new regulations as they relate to local control, and lessons learned from other cities.

After the legalization of recreational marijuana, the understaffed State agency undertook a complex dual licensing system. State officials estimated there would be as many as 6,000 cannabis retailers licensed in the first few years, but the state Bureau of Cannabis Control has issued just 547 temporary and annual licenses to retail stores and dispensaries. Like Claremont, many cities have taken a wait and see approach as the State process evolves. Further, due to high taxes imposed on commercial marijuana businesses, there continues to be a strong black market throughout the State.

The State's three cannabis licensing authorities announced the publication of proposed regulations to the California Regulatory Notice Register in July 2018, the first step toward adopting non-emergency regulations under the regular rulemaking process. A 45-day public comment period was held on these proposed regulations for industry, stakeholder, and public feedback, which was followed by an additional 15-day comment period after the Bureau announced changes to the proposed regulations. These proposed regulations were submitted to the California Office of Administrative Law (OAL) on December 3, 2018 and a press release announcing the adopted regulations was published on January 16, 2019.

Once Proposition 64 was passed, cities were able to retain local control and prohibit *commercial* marijuana operations, including retail dispensaries, cultivation and manufacturing facilities, as well as delivery services within the City. However, cities cannot prohibit personal cultivation of six plants or fewer for personal use. Despite local government's concerns, as well as California Police Chiefs and other public safety organizations, the Bureau of Cannabis Control chose to adopt regulations that now allow cannabis deliveries within the State, regardless of local ordinances or regulations. It is important to note that although deliveries to individuals in the City are allowed, it does not mean a delivery business can be established in the City of Claremont. This new regulation has been considered in both the proposed urgency and regular ordinances.

Most cities in California have chosen to adopt similar bans to the City of Claremont. According to a recent Los Angeles Times article, less than 20 percent (89 of 482) of cities in California allow retail shops to sell cannabis for recreational use, and 82 of Los Angeles County's 88 cities prohibit retail sales. California has also issued fewer cultivation licenses than expected in the first year, with about 2,160 growers registered with the State. To compare, there were 50,000 commercial cannabis cultivation operations that existed before Proposition 64.

While some cities have allowed for different commercial operations, the rollout of recreational marijuana in California has not been the financial windfall that many were hoping for. The complex dual licensing system, understaffed State agency, long rule-making process, high tax burden, local regulations, banking difficulties, and the fact marijuana is still illegal under Federal law, has continued to make it an arena that staff recommends the City not enter.

For these reasons, staff recommends the City Council reaffirm, readopt, and extend the regulations adopted in Ordinance 2016-11 beyond the December 31, 2018 sunset. Maintaining the current commercial ban is recommended until such a time the industry has matured, best practices for cities are in place, and the State infrastructure is more developed. An urgency ordinance is necessary to take immediate action and the subsequent ordinance will continue the ban without a sunset date. If the City Council reaffirms and readopts the ban, they may request to have the item brought back for discussion and consideration at any time in the future.

## **RELATIONSHIP TO CITY PLANNING DOCUMENTS**

Staff has evaluated the agenda item in relationship to the City's strategic and visioning documents and finds the following:

**Council Priorities** - This item relates to the Public Safety and Quality of Life Council Priorities.

**Sustainability Plan** - This item does not apply to the goals of the Sustainability Plan.

**Economic Sustainability Plan** - This item does not apply to the recommendations outlined in the Economic Sustainability Plan.

**General Plan** - This item addresses the following goals and objectives of the General Plan:

- Goal 6-1: Work to promote a safe community in which residents can live, work, and play.
- Policy 6-9.8: Initiate proactive crime suppression and prevention strategies throughout the community.

**2018-19 Budget** - This item addresses the following goals and objectives of the Community Development and Public Safety Work Plan:

- CD-8: Ensure the safety of buildings in Claremont;
- PS-3: Maintain a safe community, in which citizens reside, work, and visit; and
- PS-10: Initiate proactive crime suppression and prevention strategies throughout the community.

**Youth and Family Master Plan** - This item applies to goal 8; Provide a Safe, Secure and Sustainable Environment of the Youth and Family Master Plan.

## **CEQA REVIEW**

Adoption of the proposed ordinances is not subject to environmental review under the California Environmental Quality Act (CEQA) pursuant to CEQA Guidelines Section 15060(c)(2) (the activity will not result in a direct or reasonably foreseeable indirect physical change in the environment) and Section 15060(c)(3) (the activity is not a "project" as defined in Section 15378). CEQA Guidelines Section 15378(b)(2) excludes "[c]ontinuing administrative ... activities, such as ... general policy and procedure making" and Section 15378(b)(5) excludes "[o]rganizational or administrative activities of governments that will not result in direct or indirect physical changes in the environment" from its definition of "project."

Even if this item were a "project," it would be exempt from environmental review under CEQA Guidelines Section 15061(b)(3)'s "general rule" that CEQA applies only to projects that have the potential for causing a significant effect on the environment. Here, it can be seen with certainty that there is no possibility that this item, in and of itself, will have a significant effect on the environment. On its own, this action will not result in any physical changes to the environment.

## **PUBLIC NOTICE PROCESS**

This item has been noticed through the regular agenda notification process. Copies are available at the City Hall public counter, the Youth Activity Center, the Alexander Hughes Community Center, and the City website.

Submitted by:

Colin Tudor  
Assistant City Manager

Submitted by:

Joseph Larsen  
Interim City Attorney

Attachments:

A - Urgency Ordinance Regulating Use

B - Ordinance Regulating Use

**URGENCY ORDINANCE NO. 2019-****AN URGENCY ORDINANCE OF THE CITY COUNCIL OF THE CITY OF CLAREMONT, CALIFORNIA, EXTENDING ORDINANCE NO. 2016-11 AND THE REGULATIONS SET FORTH IN CHAPTER 9.72 OF THE CLAREMONT MUNICIPAL CODE RELATING TO THE PERSONAL, MEDICAL, AND COMMERCIAL USE OF MARIJUANA**

**WHEREAS**, the City of Claremont, California (the “City”) is a municipal corporation, duly organized under the constitution and laws of the State of California; and

**WHEREAS**, Article XI, Section 7 of the California Constitution authorizes the adoption and administration of ordinances, rules and regulations by cities as a means of protecting health, safety and welfare; and

**WHEREAS**, on October 25, 2016, the City adopted Ordinance 2016-11, which amended Chapter 9.72 of the City’s Municipal Code to clarify the substantive objectives of the Municipal Code regarding the City’s regulation of marijuana within its City limits and to preemptively address the changes to California law resulting from the California voters approval of Proposition 64, the Control, Regulate, and Tax Adult Use of Marijuana Act (“AUMA”), in November of 2016; and

**WHEREAS**, Ordinance 2016-11 has a sunset clause that provides that it shall be of no further force or effect on January 1, 2019; and

**WHEREAS**, this Ordinance would reaffirm, readopt and extend the regulations adopted in Ordinance 2016-11 beyond the January 1, 2019 sunset;

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

**SECTION 1.** The City Council of the City of Claremont hereby finds and determines that all of the above Recitals are true and correct and incorporates such Recitals into this Ordinance as if fully set forth herein.

**SECTION 2.** The City Council of the City of Claremont hereby readopts and reaffirms the regulations set forth in Ordinance 2016-11 relating to the personal, medical, and commercial use of marijuana, which were incorporated into Chapter 9.72 of the Claremont Municipal Code. A copy of Ordinance 2016-11 is attached hereto as Attachment “A.” This readoption and reaffirmation of said regulations shall be without the sunset clause.

**SECTION 3.** CEQA. This Ordinance is not a project within the meaning of Section 15378 of the State of California Environmental Quality Act (“CEQA”) Guidelines, because it has no potential for resulting in physical change in the environment, directly or indirectly. The City Council further finds, under Title 14 of the California Code of Regulations, Section 15061(b)(3), that this Ordinance is nonetheless exempt from the requirements of CEQA in that the activity is covered by the general rule that CEQA applies only to projects which have the potential for causing a significant effect on the environment. Where it can be seen with certainty that there is no possibility that the activity in question may have a significant effect on the environment, the activity is not subject to CEQA. The City Council, therefore, directs that a Notice of Exemption be filed with the County Clerk of the County of Los Angeles in accordance with CEQA Guidelines.

**SECTION 4.** This Ordinance is passed, approved, and adopted by the City Council as an urgency measure pursuant to the authority conferred by Government Code Section 36937(b) and shall be in full force and effect immediately upon its adoption by a four-fifths vote of the City Council. The City Council finds and declares that the health, safety, and welfare of the City's residents, businesses, and visitors require the foregoing regulations to be in force and effect immediately in order to eliminate any confusion about the legal status of the regulations set forth in Chapter 9.72 of the Claremont Municipal Code relating to the personal, medical, and commercial use of marijuana, as adopted by Ordinance 2016-11.

**SECTION 5.** Severability. If any section, subsection, subdivision, paragraph, sentence, clause, or phrase added by this Ordinance, 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 that it would have passed each section, subsection, subdivision, paragraph, sentence, clause, or phrase thereof irrespective of the fact that any one or more subsections, subdivisions, paragraphs, sentences, clauses, or phrases are declared unconstitutional, invalid, or ineffective.

**SECTION 6.** Restatement of Existing Law. Neither the adoption of this ordinance nor the repeal of any other ordinance of this City shall in any manner affect the prosecution for violations of ordinances, which violations were committed prior to the effective date hereof, nor be construed as a waiver of any license or penalty or the penal provisions applicable to any violation thereof. The provisions of this ordinance, insofar as they are substantially the same as ordinance provisions previously adopted by the City relating to the same subject matter or relating to the enumeration of permitted uses under the City's zoning code, shall be construed as restatements and continuations, and not as new enactments.

**SECTION 7.** The Mayor shall sign this Ordinance and the City Clerk shall certify as to the adoption of this Ordinance and shall cause this Ordinance to be published or posted as required by law.

**PASSED AND ADOPTED** this \_\_\_ day of February, 2019.

\_\_\_\_\_  
Mayor, City of Claremont

ATTEST:

\_\_\_\_\_  
City Clerk, City of Claremont

APPROVED AS TO FORM:



\_\_\_\_\_  
City Attorney, City of Claremont

**ORDINANCE NO. 2019-\_\_****AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF CLAREMONT, CALIFORNIA, EXTENDING ORDINANCE NO. 2016-11 AND THE REGULATIONS SET FORTH IN CHAPTER 9.72 OF THE CLAREMONT MUNICIPAL CODE RELATING TO THE PERSONAL, MEDICAL, AND COMMERCIAL USE OF MARIJUANA**

**WHEREAS**, the City of Claremont, California (the “City”) is a municipal corporation, duly organized under the constitution and laws of the State of California; and

**WHEREAS**, Article XI, Section 7 of the California Constitution authorizes the adoption and administration of ordinances, rules and regulations by cities as a means of protecting health, safety and welfare; and

**WHEREAS**, on October 25, 2016, the City adopted Ordinance 2016-11, which amended Chapter 9.72 of the City’s Municipal Code to clarify the substantive objectives of the Municipal Code regarding the City’s regulation of marijuana within its City limits and to preemptively address the changes to California law resulting from the California voters approval of Proposition 64, the Control, Regulate, and Tax Adult Use of Marijuana Act (“AUMA”), in November of 2016; and

**WHEREAS**, Ordinance 2016-11 has a sunset clause that provides that it shall be of no further force or effect on January 1, 2019; and

**WHEREAS**, this Ordinance would reaffirm, readopt and extend the regulations adopted in Ordinance 2016-11 beyond the January 1, 2019 sunset;

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

**SECTION 1.** The City Council of the City of Claremont hereby finds and determines that all of the above Recitals are true and correct and incorporates such Recitals into this Ordinance as if fully set forth herein.

**SECTION 2.** The City Council of the City of Claremont hereby readopts and reaffirms the regulations set forth in Ordinance 2016-11 relating to the personal, medical, and commercial use of marijuana, which were incorporated into Chapter 9.72 of the Claremont Municipal Code. A copy of Ordinance 2016-11 is attached hereto as an Exhibit. This readoption and reaffirmation of said regulations shall be without the sunset clause.

**SECTION 3.** CEQA. This Ordinance is not a project within the meaning of Section 15378 of the State of California Environmental Quality Act (“CEQA”) Guidelines, because it has no potential for resulting in physical change in the environment, directly or indirectly. The City Council further finds, under Title 14 of the California Code of Regulations, Section 15061(b)(3), that this Ordinance is nonetheless exempt from the requirements of CEQA in that the activity is covered by the general rule that CEQA applies only to projects which have the potential for causing a significant effect on the

environment. Where it can be seen with certainty that there is no possibility that the activity in question may have a significant effect on the environment, the activity is not subject to CEQA. The City Council, therefore, directs that a Notice of Exemption be filed with the County Clerk of the County of Los Angeles in accordance with CEQA Guidelines.

**SECTION 4.** Severability. If any section, subsection, subdivision, paragraph, sentence, clause, or phrase added by this Ordinance, 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 that it would have passed each section, subsection, subdivision, paragraph, sentence, clause, or phrase thereof irrespective of the fact that any one or more subsections, subdivisions, paragraphs, sentences, clauses, or phrases are declared unconstitutional, invalid, or ineffective.

**SECTION 5.** Restatement of Existing Law. Neither the adoption of this ordinance nor the repeal of any other ordinance of this City shall in any manner affect the prosecution for violations of ordinances, which violations were committed prior to the effective date hereof, nor be construed as a waiver of any license or penalty or the penal provisions applicable to any violation thereof. The provisions of this ordinance, insofar as they are substantially the same as ordinance provisions previously adopted by the City relating to the same subject matter or relating to the enumeration of permitted uses under the City's zoning code, shall be construed as restatements and continuations, and not as new enactments.

**SECTION 6.** The Mayor shall sign this Ordinance and the City Clerk shall certify as to the adoption of this Ordinance and shall cause this Ordinance to be published or posted as required by law.


**PASSED AND ADOPTED** this \_\_\_ day of \_\_\_\_\_, 2019.

\_\_\_\_\_  
Mayor, City of Claremont

ATTEST:

\_\_\_\_\_  
City Clerk, City of Claremont

APPROVED AS TO FORM:

  
\_\_\_\_\_  
City Attorney, City of Claremont



**ORDINANCE NO. 2016-11****AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF CLAREMONT, CALIFORNIA AMENDING CHAPTER 9.72 OF THE CLAREMONT MUNICIPAL CODE TO REGULATE THE PERSONAL, MEDICAL, AND COMMERCIAL USE OF MARIJUANA**

**WHEREAS**, the City of Claremont, California (the "City") is a municipal corporation, duly organized under the constitution and laws of the State of California; and

**WHEREAS**, Article XI, Section 7 of the California Constitution authorizes the adoption and administration of ordinances, rules and regulations by cities as a means of protecting health, safety and welfare; and

**WHEREAS**, the City previously adopted ordinances banning marijuana dispensaries and uses within the City as permitted by law; and

**WHEREAS**, the City desires to continue to ban all marijuana dispensaries, cultivation, and delivery service land uses within City Limits to the extent allowed by California law, this Ordinance shall further update the Municipal Code to effectuate that aim; and

**WHEREAS**, on June 28, 2016, the Secretary of State certified Proposition 64, the Control, Regulate, and Tax Adult Use of Marijuana Act ("AUMA"), for the November 8, 2016 ballot; and

**WHEREAS**, the AUMA would become law if a majority of the electorate votes "Yes" on the proposition; and

**WHEREAS**, the AUMA would regulate, among other items, the use of marijuana for personal and commercial purposes, including the recreational use of marijuana by adults over 21 years of age; and

**WHEREAS**, to regulate personal use of marijuana the AUMA would add Section 11362.1 to the Health and Safety Code, which makes it "lawful under state and local law" for persons 21 years of age or older to "possess, process, transport, purchase, obtain, or give away to persons 21 years of age or older without any compensation whatsoever" up to 28.5 grams of marijuana in the form of non-concentrated cannabis or not more than eight grams of marijuana in the form of concentrated cannabis contained in marijuana products; and

**WHEREAS**, the AUMA would make it lawful for those individuals to "possess, plant, cultivate, harvest, dry, or process not more than six living marijuana plants and possess the marijuana produced by the plants; and

**WHEREAS**, the AUMA would make it lawful for those individuals to smoke or ingest marijuana or marijuana products; and

**WHEREAS**, should the AUMA pass, many of its provisions would take effect on November 9, 2016; and

**WHEREAS**, to regulate commercial use of marijuana, the AUMA would add Division 10 (Marijuana) to the Business & Professions Code, which grants state agencies “the exclusive authority to create, issue, renew, discipline, suspend, or revoke” licenses for businesses including the transportation, storage, distribution, sale, cultivation, manufacturing, and testing of marijuana; and

**WHEREAS**, the AUMA provides that the above state agencies shall promulgate rules and regulations and shall begin issuing licenses under Division 10 by January 1, 2018; and

**WHEREAS**, the AUMA states that a local jurisdiction shall not prevent transportation of marijuana or marijuana products on public roads by a licensee transporting marijuana or marijuana products in compliance with Division 10; and

**WHEREAS**, the AUMA would authorize cities to “reasonably regulate” without completely prohibiting cultivation of marijuana inside a private residence or inside an “accessory structure to a private residence located upon the grounds of a private residence that is fully enclosed and secure”; and

**WHEREAS**, the AUMA would authorize cities to completely prohibit outdoor cultivation on the grounds of a private residence, up to and until a “determination by the California Attorney General that nonmedical use of marijuana is lawful in the State of California under federal law”; and

**WHEREAS**, the AUMA would authorize cities to completely prohibit the establishment or operation of any marijuana business licensed under Division 10 within its jurisdiction, including marijuana dispensaries, marijuana retailers, and marijuana delivery services; and

**WHEREAS**, absent appropriate local regulation authorized by the AUMA, state regulations will control; and

**WHEREAS**, the “Medical Marijuana Regulation and Safety Act” (“MMRSA”), which took effect January 1, 2016, regulates use of marijuana for medical purposes; and

**WHEREAS**, the MMRSA contains a provision which provides that the State shall become the sole authority for regulation under certain parts of the Act unless local governments pass their own regulations; and

**WHEREAS**, the California courts have held that cities have the authority to regulate or ban outright medical marijuana uses; and

**WHEREAS**, the California Attorney General's August 2008 Guidelines for the

Security and Non-Diversion of Marijuana Grown for Medical Use recognizes that the cultivation or other concentration of marijuana in any location or premises without adequate security increases the risk that nearby homes or businesses may be negatively impacted by nuisance activity such as loitering or crime; and

**WHEREAS**, under the Federal Controlled Substances Act, the use, possession, and cultivation of marijuana are unlawful and subject to federal prosecution without regard to a claimed medical need; and

**WHEREAS**, the indoor cultivation of marijuana has potential adverse effects to the health and safety of the occupants; including structural damage to the building due to increased moisture and excessive mold growth which can occur and can pose a risk of fire and electrocution; additionally, the use of pesticides and fertilizers can lead to chemical contamination within the structure; and

**WHEREAS**, based on the experiences of other cities, these negative effects on the public health, safety, and welfare are likely to occur, and continue to occur, in the City due to the establishment and operation of marijuana cultivation, processing, and distribution uses; and

**WHEREAS**, the subject Ordinance is not subject to the California Environmental Quality Act (CEQA) pursuant to Sections 15060(c)(2), 15060(c)(3) and 15061(b)(3). The activity is not subject to CEQA because it will not result in a direct or reasonably foreseeable indirect physical change in the environment; the activity is not a project as defined in Section 15378, and the activity is covered by the general rule that CEQA applies only to projects, which have the potential for causing a significant effect on the environment. Where it can be seen with certainty that there is no possibility that the activity may have a significant effect on the environment, the activity is not subject to CEQA; and

**WHEREAS**, this Ordinance would amend Chapter 9.72 to clarify the substantive objectives of the Municipal Code regarding the City's regulation of marijuana within its City limits and to preemptively address some proposed changes to California law in the event AUMA passes on November 8, 2016;

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

**SECTION 1.** The City Council of the City of Claremont hereby finds and determines that all of the above Recitals are true and correct and incorporates such Recitals into this Ordinance as if fully set forth herein.

**SECTION 2.** The City Council of the City of Claremont hereby amends Chapter 9.72 to read in its entirety as follows:

**Chapter 9.72 Marijuana Uses.**

**9.72.010 Purpose.**

The purpose of this Section is to regulate personal, medical, and commercial marijuana uses. Nothing in this Section shall preempt or make inapplicable any provision of state or federal law.

**9.72.020 Definitions.**

For purposes of this Title, the following definitions shall apply:

“Commercial marijuana activity” includes the cultivation, possession, manufacture, distribution, processing, storing, laboratory testing, labeling, transportation, distribution, delivery or sale of marijuana and marijuana products for commercial purposes, but does not include any medical marijuana activity permitted by California law.

“Cultivation” means any activity involving the planting, growing, harvesting, drying, curing, grading, or trimming of marijuana.

“Delivery” means the commercial transfer of marijuana or marijuana products to a customer. “Delivery” also includes the use by a retailer of any technology platform owned and controlled by the retailer, or independently licensed under California law, that enables customers to arrange for or facilitate the commercial transfer by a licensed retailer of marijuana or marijuana products.

“Distribution” means the procurement, sale, and transport of marijuana and marijuana products between entities for commercial use purposes.

“Licensee” means the holder of any state issued license related to marijuana activities, including but not limited to licenses issued under Division 10 of the Business & Professions Code.

“Manufacture” means to compound, blend, extract, infuse, or otherwise make or prepare a marijuana product.

“Marijuana” means all parts of the plant *Cannabis sativa* L., whether growing or not; the seeds thereof; the resin extracted from any part of the plant; and every compound, manufacture, salt, derivative, mixture, or preparation of the plant, its seeds or resin. It does not include:

- (i) Industrial hemp, as defined in Section 11018.5 of the California Health & Safety Code; or
- (ii) The weight of any other ingredient combined with marijuana to prepare topical or oral administrations, food, drink, or other product.

"Marijuana accessories" means any equipment, products or materials of any kind which are used, intended for use, or designed for use in planting, propagating, cultivating, growing, harvesting, manufacturing, compounding, converting, producing, processing, preparing, testing, analyzing, packaging, repackaging, storing, smoking, vaporizing, or containing marijuana, or for ingesting, inhaling, or otherwise introducing marijuana or marijuana products into the human body.

"Marijuana products" means marijuana that has undergone a process whereby the plant material has been transformed into a concentrate, including, but not limited to, concentrated cannabis, or an edible or topical product containing marijuana or concentrated cannabis and other ingredients.

"Person" includes any individual, firm, co-partnership, joint venture, association, corporation, limited liability company, estate, trust, business trust, receiver, syndicate, or any other group or combination acting as a unit, and the plural as well as the singular.

"Private residence" means a house, an apartment unit, a mobile home, or other similar dwelling.

"Sale" includes any transaction whereby, for any consideration, title to marijuana is transferred from one person to another, and includes the delivery of marijuana or marijuana products pursuant to an order placed for the purchase of the same and soliciting or receiving an order for the same, but does not include the return of marijuana or marijuana products by a licensee to the licensee from whom such marijuana or marijuana product was purchased.

Any term defined in this Section also means the very term as defined in the California Business & Professions Code or the California Health & Safety Code, unless otherwise specified.

**9.72.030 Personal Use-Cultivation.**

A. For purposes of this subsection, personal recreational use, possession, purchase, transport, or dissemination of marijuana shall be considered unlawful in all areas of the City to the extent it is unlawful under California or Federal law.

B. Outdoor Cultivation. A person may not plant, cultivate, harvest, dry, or process marijuana plants outdoors in any zoning district of the City. No use permit, building permit, variance, or any other permit or entitlement, whether administrative or discretionary, shall be approved or issued for any such illegal use or activity.

C. Indoor Cultivation.

1. A person may not plant, cultivate, harvest, dry, or process marijuana plants inside a private residence, or inside an accessory structure to a private residence located upon the grounds of a private residence, or inside any other enclosed structure within any zoning district of the City. No use permit, building permit, variance, or any

other permit or entitlement, whether administrative or discretionary, shall be approved or issued for any such use or activity.

2. To the extent a complete prohibition on indoor cultivation for personal use is not permitted under California law, a person may not plant, cultivate, harvest, dry, or process marijuana plants inside a private residence, or inside an accessory structure to a private residence located upon the grounds of a private residence, in excess of the limitations imposed by such State law.

**9.72.040 Medical Use.**

A. The prohibitions set forth in this Chapter are not intended to interfere with the individual rights of qualified patients and primary caregivers to cultivate, obtain or use marijuana for medical purposes as provided for by the voters of the State of California under Proposition 215 and Senate Bill 420 of the California Legislature. Cultivation of medical marijuana shall be subject to the requirements of Section 11362.77 of the California Health & Safety Code. Cultivation for medical purposes in violation of Section 11362.77 is unlawful.

B. The establishment or operation of any medical marijuana dispensary, delivery service, operator, or establishment shall be considered a prohibited use in all zoning districts of the City. No use permit, variance, building permit, or any other entitlement or permit, whether administrative or discretionary, shall be approved or issued for the establishment of any dispensary, delivery service, operator, establishment, or provider in any zoning district, and no person shall otherwise establish such businesses or operations in any zoning district.

**9.72.050 Commercial use.**

A. The establishment or operation of any business of commercial marijuana activity is prohibited. No use permit, variance, building permit, or any other entitlement or permit, whether administrative or discretionary, shall be approved or issued for the establishment or operation of any such business or operation. Such prohibited businesses or operations may include, but are not limited to:

1. The transportation, delivery, storage, distribution, or sale of marijuana, marijuana products, or marijuana accessories;

2. The cultivation of marijuana;

3. The manufacturing or testing of marijuana, marijuana products, or marijuana accessories; or

4. Any other business licensed by the state or other government entity under Division 10 of the California Business & Professions Code, as it may be amended from time to time.

**9.72.060 Penalty for Violations.**

(a) No person, whether as principal, agent, employee or otherwise, shall violate, cause the violation of, or otherwise fail to comply with any of the requirements of this Chapter. Every act prohibited or declared unlawful, and every failure to perform an act made mandatory by this Chapter, shall be a misdemeanor or an infraction, at the discretion of the City Attorney or the District Attorney. In addition to the penalties provided in this section, any condition caused or permitted to exist in violation of any of the provisions of this Chapter is declared a public nuisance and may be abated as provided in this Municipal Code and/or under state law.

(b) As provided for in this Municipal Code, any provision of this Chapter may be enforced by civil injunction issued by the Superior Court upon a suit brought by the city. As part of a civil action filed to enforce provisions of this Chapter, this City may ask a court to assess a civil penalty of two thousand five hundred dollars (\$2,500) per violation of any section of this Chapter for each day during which any person commits, continues, allows or maintains a violation of any provision of this Chapter.

(c) A prevailing party in any judicial action, administrative proceeding, or special proceeding to abate a nuisance or enforce any provision of this Chapter may recover its reasonable attorneys' fees, provided that the city elected, at the initiation of such individual action or proceeding, to recover its own attorneys' fees. In no judicial action or administrative proceeding shall an award of attorneys' fees to a prevailing party exceed the amount of reasonable attorneys' fees incurred by the city in the judicial action or administrative proceeding. A judicial action includes, but is not limited to, any civil or criminal action, inspection or abatement warrant, administrative proceeding, or appeal from an administrative proceeding. "Abatement" shall include any action taken by the City to cause or otherwise obtain compliance with this Chapter or other codes, as specified herein, even if the violation is ultimately corrected by the violator. Any recovery of attorneys' fees for abatement of a nuisance shall be in accordance with this Chapter.

**SECTION 3.** CEQA. This Ordinance is not a project within the meaning of Section 15378 of the State of California Environmental Quality Act ("CEQA") Guidelines, because it has no potential for resulting in physical change in the environment, directly or indirectly. The City Council further finds, under Title 14 of the California Code of Regulations, Section 15061(b)(3), that this Ordinance is nonetheless exempt from the requirements of CEQA in that the activity is covered by the general rule that CEQA applies only to projects which have the potential for causing a significant effect on the environment. Where it can be seen with certainty that there is no possibility that the activity in question may have a significant effect on the environment, the activity is not subject to CEQA. The City Council, therefore, directs that a Notice of Exemption be filed with the County Clerk of the County of Los Angeles in accordance with CEQA Guidelines.

**SECTION 4.** Severability. If any section, subsection, subdivision, paragraph, sentence, clause, or phrase added by this Ordinance, 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 that it would have passed each section, subsection, subdivision, paragraph, sentence, clause, or phrase thereof irrespective of the fact that any one or more subsections, subdivisions, paragraphs, sentences, clauses, or phrases are declared unconstitutional, invalid, or ineffective.

**SECTION 5.** Restatement of Existing Law. Neither the adoption of this ordinance nor the repeal of any other ordinance of this City shall in any manner affect the prosecution for violations of ordinances, which violations were committed prior to the effective date hereof, nor be construed as a waiver of any license or penalty or the penal provisions applicable to any violation thereof. The provisions of this ordinance, insofar as they are substantially the same as ordinance provisions previously adopted by the City relating to the same subject matter or relating to the enumeration of permitted uses under the City's zoning code, shall be construed as restatements and continuations, and not as new enactments.

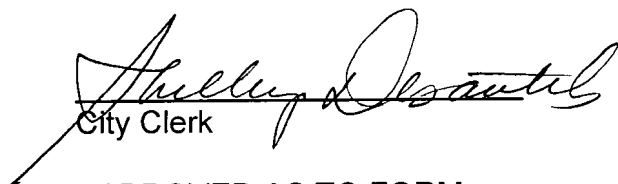
**SECTION 6.** The Mayor shall sign this Ordinance and the City Clerk shall attest and certify to the passage and adoption of it, and within fifteen (15) days, publish a summary of the Ordinance in the Claremont Courier, a semi-weekly newspaper of general circulation, printed, published, and circulated in the City of Claremont and thirty (30) days thereafter it shall take effect and be in force, if and only if the Control, Regulate and Tax Adult Use of Marijuana Act Initiative is approved by the voters of the State of California; and in the event that the Initiative is passed by the California voters and this Ordinance becomes effective, it shall sunset and be of no further force or effect on January 1, 2019.

**PASSED AND ADOPTED** this 25<sup>th</sup> day of October, 2016.



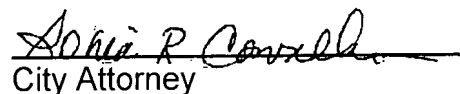
Mayor

ATTEST:



City Clerk

APPROVED AS TO FORM:



City Attorney



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. 2016-11 was introduced at a regular meeting of said council held on the 11<sup>th</sup> day of October, 2016, 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 25<sup>th</sup> day of October, 2016, and that the same was passed and adopted by the following vote:

AYES:                    COUNCILMEMBERS: CALAYCAY, LYONS, NASIALI, PEDROZA, SCHROEDER  
NOES:                    COUNCILMEMBERS: NONE  
ABSTENSIONS:        COUNCILMEMBERS: NONE  
ABSENT:                 COUNCILMEMBERS: NONE

  
\_\_\_\_\_  
City Clerk of the City of Claremont



# Claremont City Council

## Agenda Report

File #: 2731

Item No: 8.

TO: TARA SCHULTZ, CITY MANAGER

FROM: CHRISTOPHER M. PAULSON, COMMUNITY SERVICES DIRECTOR

DATE: FEBRUARY 12, 2019

Reviewed by:

City Manager: TS

Finance Director: AP

### **SUBJECT:**

**REQUEST FOR REMOVAL OF TWO CANARY ISLAND PINE TREES AT 2233 KEMPER AVENUE**

### **SUMMARY**

The property owners at 2233 Kemper Avenue requested the removal of two City-owned Canary Island Pine trees, located on their property within the City right-of-way. The original request for removal (Attachment A) cites the following reasons for removal: hardscape damage, dropping of needles, and potential limb failure. On November 7, 2018, the Community and Human Services Commission denied the request for the tree removal.

The appeal of the Community and Human Services Commission's decision (Attachment B) contends that the Community and Human Services Commission and City staff failed to take in to account mandatory considerations, the previous phased tree removal and replacement program, and the full magnitude of the cost of keeping the Kemper Avenue pine trees.

On January 8, 2019, the City Council voted to continue the discussion to have staff research prior City Council action from 2004 regarding the phased removal program.

### **RECOMMENDATION**

Staff recommends that the City Council uphold the Community and Human Services Commission recommendation to deny the request for removal of the two Canary Island Pine trees at 2233 Kemper Avenue.

### **ALTERNATIVES TO RECOMMENDATION**

In addition to the recommendation, there are the following alternatives:

- A. Refer the matter back to staff for additional information.

- B. Approve the removal and replacement of the two trees.
- C. Deny the removal and replacement of the two pine trees and direct staff to initiate a new study regarding a phased removal and replacement program for the Kemper Avenue neighborhood.

## **FINANCIAL REVIEW**

Should the City Council approve the request to remove the trees, the cost for removal would be \$1,100 and replacement with four new trees per the *Tree Policies and Guidelines Manual* would be \$860, for a total cost of \$1,960.

The staff cost to address this request is estimated at \$4,216 and is included in the operating budget of the Community Services Department.

## **BACKGROUND**

In 2003, the City proposed a removal and replacement program for the Kemper Avenue Canary Island Pine trees because of continued hardscape damage. A survey of the Kemper Avenue neighborhood took place in 2003 regarding the trees. There were thirteen households that wanted all the trees removed at one time, ten households that wanted a three-phased approach, and ten households that wanted them removed only if the hardscape could not be repaired without removing the tree.

On February 12, 2004, the Community Services Commission approved the phased removal of the Canary Island Pine trees on Kemper Avenue. The City Council, at its March 23, 2004 meeting, approved the minutes of the February 12, 2004 Commission meeting without comment regarding Kemper Avenue. This proposed phased removal and replacement never directly came before the City Council in the form of a staff report for City Council approval.

However, the City Council did approve the Capital Improvement Program (CIP) for fiscal years 2006-08. In that program was Item 4, titled, "Tree Mitigation," the completion of the second half of Phase 1 of Kemper Avenue in the amount of \$25,000. In fiscal year 2009-10, the CIP had the completion of Kemper Avenue Phase 2 removals for \$100,000, and fiscal year 2010-11 another \$100,000 for completion of the final phase. It appears that the last two phases went unfunded. There was also a CIP item for the removal and replacement of the pine trees in the Shenandoah neighborhood.

The original *Tree Policies and Guidelines Manual* approved in 1997 stated that removal because of nuisance of debris and hardscape damage (if there was an economical solution to saving the tree) were not valid reasons for removal. The policy was revised in 1999, 2007, and 2015, and the wording has remained unchanged. However, in the 1999 revision, there was an addition to the policy called "Special Circumstances Mitigation." It allowed for a phased approach to removal and replacement of trees in neighborhoods where parkways were too small for the ultimate size of the designated tree. It appears that staff used this policy to develop the phased program for the Kemper neighborhood in 2003.

In 2008, presumably because of negative feedback from the Shenandoah neighborhood, staff discontinued the practice of removing trees without evaluating them on an individual basis. In January 2015, the City Council approved a revised *Tree Policies and Guidelines Manual* that continues to state that "hardscape damage is not justification for removing a tree". This is consistent with the language in all revisions. The "Special Circumstances Mitigation" language was deleted from the 2015 revision. Instead, the title was changed to "Programmed Tree Removal and Replacement."

It outlines in greater detail what to consider in evaluating the severity of the problem. It also clearly states that any such program must be approved by the Tree Committee, Community and Human Services Commission, and the City Council.

## **ANALYSIS**

The property owners of 2233 Kemper Avenue requested the removal of two City-owned Canary Island Pine trees from the City right-of-way. At its October 17, 2018 meeting, the Tree Committee recommended to the Community and Human Services Commission denial of the request. The Community and Human Services Commission, at its November 7, 2018 meeting, also denied the request for removal.

The City Arborist has evaluated the two City-owned trees at 2233 Kemper Avenue and found that the trees are both in good health. The southerly tree has a trunk diameter of 27-inches and an appraised value of \$14,740, and the northerly tree has a 22-inch diameter with a value of \$9,110. Photos of the trees are attached (Attachment C).

Staff recommends denial of the request to remove one or both of the trees for two reasons: 1) per the *Tree Policies and Guidelines Manual*, the nuisance caused by leaves, needles, or hardscape damage is not justification for removing a tree; and 2) the value of the trees outweighs the cost of repairing the hardscape.

The appeal contends that the Community and Human Services Commission and staff failed to take in to account mandatory considerations, the previous phased tree removal and replacement program, and the full magnitude of the cost of keeping the Kemper Avenue pine trees.

Staff and the Tree Committee did determine that the trees were not hazardous during field inspections. It is common for most trees to drop limbs during the life of a tree. This does not mean that the tree is hazardous.

Previously, staff was unable to find clear City Council direction for the phased removal program as outlined. It was approved as part of the Capital Improvement Program in 2006-08. It then went unfunded and never brought forward again.

Lastly, staff did not present the Community and Human Services Commission with the potential cost of repairing the hardscape on Kemper Avenue since the *Tree Policies and Guidelines Manual* clearly states that hardscape damage is not justification for tree removal. Additionally, staff is evaluating alternative methods of protecting paving from future damage from trees and it would be difficult to estimate the cost until these methods are implemented. These methods may include installing a steel plate that blocks root growth and installing a root barrier fabric to redirect the roots.

Accordingly, staff recommends that the City Council uphold the Community and Human Services Commission's recommendation to deny the tree removal request for 2233 Kemper Avenue.

## **COMMISSION/COMMITTEE REVIEW**

At its July 18, 2018 meeting, the Tree Committee unanimously voted to postpone the decision of removing the two Canary Island Pine trees at 2233 Kemper Avenue to a future meeting, based on information that the petitioner presented to the Committee that evening. The excerpt from the meeting minutes is attached (Attachment D).

At its October 17, 2018 meeting, the Tree Committee unanimously voted to deny the request for the removal of the two Canary Island Pine trees at 2233 Kemper Avenue. The excerpt from the meeting minutes is attached (Attachment E).

At its November 7, 2018 meeting, the Community and Human Services Commission unanimously voted to deny the request for the removal of the two Canary Island Pine trees at 2233 Kemper Avenue. The excerpt from the meeting minutes is attached (Attachment F).

## **RELATIONSHIP TO CITY PLANNING DOCUMENTS**

Staff has evaluated the agenda item in relationship to the City's strategic and visioning documents and finds the following:

**Council Priorities** - This item addresses the Council Priority - Long Term Management of the Urban Forest

**Sustainability Plan** - This item complies with the goals of Sustainability Plan 5.4 to preserve the urban forest.

**Economic Sustainability Plan** - This item does not relate to the recommendations outlined in the Economic Sustainability Plan.

**General Plan** - This item addresses Measure I-24 and III-31 relating to the City's Urban Forest Management Program of the General Plan and furthers the goal maintenance of the urban forest.

**2018-19 Budget** - This item meets the Community Services Department Work Plan Goal CS-12: Preserve and maintain a healthy urban forest that will improve the environment and provide overall beauty to the community.

**Youth and Family Master Plan** - This item does not relate to the objectives in the Youth and Family Master Plan.

## **CEQA REVIEW**

In accordance with the California Environmental Quality Act, the removal and replacement of the trees is categorically exempt pursuant to Section 15301 of the CEQA guidelines. This Class 1 exemption allows for the maintenance of topographical features with negligible or no expansion. Additionally, none of the exceptions to the categorical exemptions set forth in State CEQA Guideline Section 15300.2 applies to the proposed project because the proposed project (1) is not located in a uniquely sensitive environment, (2) is not located within a highway officially designated as a state scenic highway, (3) is not located on a hazardous waste site, (4) would not have a cumulative impact. Therefore, no further environmental review is required.

Additionally, pursuant to Section 15061(b)(3), CEQA does not apply to this item because there is no potential for causing a significant effect on the environment. The removal of dead, diseased or hazardous trees which will be replaced with healthy trees will not have a significant effect on the environment because the action will not result in or lead to a physical change in Claremont.

## **PUBLIC NOTICE PROCESS**

This item has been noticed through the regular agenda notification process. Copies are available at the City Hall public counter, the Youth Activity Center, the Alexander Hughes Community Center, and on the City website.

Submitted by:

Christopher M. Paulson  
Community Services Director

Prepared by:

David Roger  
Community Services Deputy Director

### **Attachments:**

A - Original Email from Resident

B - Appeal Form

C - Photos of Trees

D - Excerpt of the 7-18-18 Tree Committee Minutes

E - Excerpt of the 10-17-18 Tree Committee Minutes

F - Excerpt of the 11-7-18 Community and Human Services Commission Minutes

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**From:** Melanie barbee  
**Sent:** Monday, July 02, 2018 8:05 PM  
**To:** Dave Roger; Michele Gonzales  
**Cc:** Gregory Barbee  
**Subject:** Tree Removal at 2233 Kemper Avenue, Barbee

Hello David & Michelle,

This email is to confirm that I would like to have both pine trees removed from in front of my residence.

As David is aware, I've had multiple issues concerning the two pine trees, which I have provided copies of documents dating back to at least 2006. There are a nuisance as well as a danger to myself, my family and my Kemper Avenue community.

The most recent event, which occurred yesterday, a very large branch fell off of the tree,( south), closest to my walkway that sent all of my neighbors over to help since the cracking and crashing noise was very loud.

Please put me on this month's schedule for the Tree Advisory Meeting held every third Wednesday to discuss when the trees can be removed once and for all.

Sincerely,  
Melanie Barbee

Sent from my iPhone

# Appeal to Claremont City Council

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APPEAL FROM THE CLAREMONT COMMUNITY AND HUMAN  
SERVICES COMMISSION

File No 2636

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## Grounds for Appeal

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Gregory Barbee (gbarbee@sheppardmullin.com)  
Melanie Barbee (Melanie.Barbee@verizon.net)  
2233 Kemper Avenue  
Claremont, California 91711  
TEL: 909.399.5124



## **I. INTRODUCTION**

Property owners Gregory Barbee and Melanie Barbee (“Appellants”) hereby appeal the decision rendered by the Claremont Community and Human Services Commission (“the Commission”) at its November 7, 2018 meeting. Specifically, Consent Calendar Item No. 6, File No. 2636, requested the removal of two Canary Island pine trees at 2233 Kemper Avenue, Claremont, California (the “Kemper trees”). After discussion and comments from Appellants and Community Services Acting Director, David J. Roger, the Commission voted to deny the request and to “keep an eye” on one of the two Kemper trees that had recently presented a particular hazard to public safety, dropping large limbs in July and October 2018. The Commission’s decision to deny the request to remove and replace the Kemper trees should be overruled by the City Council for three reasons, each of which form an independent basis.

First, the Commission and its staff failed to take into account mandatory considerations in deciding whether to approve or deny the request. The Claremont Tree Policy Manual mandates that the Commission consider the safety of the property owner and general public; based on the staff Agenda Report and the questions proffered at the meeting, the Commission failed to properly consider that the Kemper trees are hazardous and should thus be removed.

Second, the City previously approved, and in fact started to implement a phased tree removal and replacement program for the Canary Island pine trees on Kemper Avenue. In 2004, the City approved the Kemper Avenue residents’ request to remove the Canary Island pine trees, because they had been causing hardscape damage and presented a hazard to the community. The City agreed, and implemented a phased removal and replacement program. That program began in approximately 2007. Apparently, the program was canceled in approximately 2010-12. Until

February 2018, no notice whatsoever had been given to any of the Kemper Avenue residents. The decision to cancel the approved program without providing notice and without providing an opportunity for public comment, to the Kemper Avenue residents denied them due process and likely violated California law (the Brown Act).

Third, the Commission's decision failed to take into account the full magnitude of the potential cost of keeping the Kemper trees and the other Canary Island pine trees on Kemper Avenue. The potential liability to the City, particularly given past hardscape damage and hazards, and especially given the City's implicit acknowledgment of the hazards presented by such trees when the City approved the removal and replacement program, far outweighs any purported value of the trees themselves.

## **II. STATEMENT OF FACTS**

Appellants moved into their Kemper Avenue home on August 1, 2000 (moving from another house in Claremont, on Springfield Street). Almost immediately, the Kemper trees became an issue. In November 2000, Appellants requested repairs for hardscape damage caused by the Kemper trees. The City's Community Services Department informed Appellants that "permanent repair of your area has been placed on a priority list for an upcoming contract work period." The work was finally completed on April 1, 2002.

In April 2003, the City instituted a "Programmed Tree Removal and Replacement Program" (as defined in the Tree Policy Manual) regarding the Kemper Avenue neighborhood. Kemper Avenue residents attended several workshops related to that program, and at the February 12, 2004 Claremont Community Services Commission meeting, the Commission approved the program. The City Council approved the program at its March 23, 2004 meeting, through its approval of the Commission's February 12, 2004 minutes.

In March 2007, Appellants contacted the City again regarding the Kemper trees because they had overgrown, with heavy branches hanging over the driveway and street. On March 13, 2007, Stacey Niemeyer from the Community Services Department informed Appellants that staff had inspected the tree in question and found it to be healthy and stable, but nevertheless “reduced the weight of the branch over your driveway.”

On December 20, 2007, Ms. Niemeyer wrote to the Kemper Avenue residents, informing them that the City had recently begun work to remove and replace the Canary Island pines. Given the unavailability of a “replacement species locally,” the City had opted to use the Chinese Pistache tree as the replacement tree (it is now on Kemper Avenue’s approved tree list).

On January 10, 2008, the Commission met to discuss the Street Tree redesignation for Kemper Avenue and Lawrence Circle. Ms. Niemeyer presented the staff report. Richard Griffin, at 2258 Kemper Avenue, expressed his frustration that the whole process had begun about 5 years ago, and that a number of trees had been removed during that time. He was frustrated at “the fact that this process has taken so long,” and “[i]t was promised and staff kept telling them that it was going to move forward.” He requested that the process be expedited. The Commission approved changing the designated street tree for Kemper Avenue and Lawrence Circle to the Chinese Pistache. As part of the deliberations, then-Chair Eastham asked staff for an estimated completion date for the program. “Ms. Niemeyer said the removal of all of the Pine trees would be completed in five to six years.” See Minutes, Claremont Community Services Commission Meeting, January 10, 2008, at p. 6. The City Council received and filed those minutes at its February 26, 2008 meeting.

Spanning a period from approximately May 2003 to July 2014, Appellants issues with the Kemper trees continued. The City repaired

hardscape damage to the sidewalk in front of 2233 Kemper Avenue in 2001, 2004, 2006, 2009, 2011 and 2014. The City removed and replaced the entire curb in July 2014. The City has twice replaced driveway sections (rendering portions of the driveway different shades of concrete). The City also replaced a drainage and sewage pipe at a cost of approximately \$2,750. A visitor to Appellants tripped on a raised sidewalk and suffered a broken nose and other injuries. The north Kemper tree had one of its heavy limbs drop, blocking the street. By 2014, Appellants again requested that the City remedy the problem and replace the trees.

On February 6, 2018, Dave Roger, Deputy Director of the Community Services Department, wrote to Appellants detailing that he had searched the records and discovered that the pine tree removal program was canceled. Apparently, there was a neighborhood survey about resident preferences to either remove or replace all of the trees at one time, phasing out the removal and replacement over time or evaluating each individual tree. According to the report, there was no consensus within the neighborhood and the city decided to terminate the program and evaluate each tree on a per resident request basis.

This was the first time Appellants were provided any notice that any cancellation of the program had occurred. In canvassing their neighbors and through comments set forth at later Tree Committee and Commission meetings, it became clear that no notice or chance to be heard had been afforded the Kemper Avenue residents. It appears that approximately 31 trees were removed and replaced. Compare July 18, 2018 Tree Committee Agenda Report, Item No. 2, p. 2 (original program referenced 86 Canary Island pine trees) with November 7, 2018 Commission Agenda Report, Item No. 5, p. 1 (55 pine trees remain on Kemper Avenue and Lawrence Circle).

On July 1, 2018, the south Kemper tree dropped a heavy limb. The limb was massive enough to reach entirely across Kemper Avenue. Appellants immediately requested that the Tree Committee approve the removal and replacement of the Kemper trees.

At its July 18, 2018 meeting, the Tree Committee's staff recommended that the request be denied. It attributed the limb drop to a "limb drop phenomenon." Staff noted that "[t]here is evidence of hardscape repair of both the curb and the sidewalk at 2233 Kemper Avenue. Currently, there is some lifting of the drive approach." Staff's recommendation relied upon the fact that (1) the Tree Policy Manual does not permit nuisance to be the reason a tree is replaced, and (2) "the value of the trees outweighs the cost of repairing the hardscape." Staff did not address the hazard to residents and the public caused by such trees. At the July 18 meeting, Appellants and other members of the Kemper Avenue neighborhood presented additional arguments and the information set forth above. The Tree Committee requested to table the item until its next meeting so that Committee members could consider the submissions.

On October 15, 2018, the south Kemper tree suffered yet another limb drop due to the high winds and the fact that the trees on Kemper Avenue had not been trimmed during the last scheduled trimming cycle. Photographs of the substantial limb, entirely blocking the sidewalk and part of the street, were submitted to the Tree Committee and the Commission.

On October 17, 2018, the Tree Committee met again, heard additional evidence regarding the hazards and the recent limb drop, and voted to deny Appellants' request. The Tree Committee suggested that Appellants take the matter up with the Commission, and subsequently with the City Council if necessary.

On November 7, 2018, the Commission discussed the matter of the Kemper trees, and the termination of the Kemper Avenue Programmed

Tree Removal and Replacement Program. Despite expressing embarrassment and apologizing that Kemper Avenue residents had received no notice of the purported termination of the program, the Commission voted to deny Appellants' request and to "keep an eye" on the south Kemper tree.

### **III. ARGUMENT**

The Claremont Tree Policy Manual governs requests by property owners for removal of City trees. That Manual provides a procedure by which requests are made to Community Services staff. If staff denies the request, "[p]roperty owners may appeal the staff denial by written request, which shall be brought before the Tree Committee and Community and Human Services Commission." See Tree Policy Manual, p. 27.

Municipal Code § 12.26.020(B) provides that "the Commission may grant an appeal if it finds that the staff decision would result in a burden on the property owner that substantially outweighs the benefit to the public. The Commission's decision may be appealed to the City Council if a written appeal, setting forth the grounds, is filed with the City Clerk within ten days of the Commission decision. If no timely appeal is filed, the decision shall be final." Accordingly, Appellants file the instant appeal.

#### **A. Mandatory Considerations, Ignored by the Commission and Its Staff, Require the Removal of the Kemper Trees**

The Tree Policy Manual requires that all removal requests "*shall* be evaluated by staff and a certified arborist." Manual, p. 28 (emphasis added). The Commission "*will* evaluate tree removal requests individually, considering any of these factors listed below to determine if [a] tree's removal represents a greater loss to the public tha[n] the burden placed on the property owner by its continued existence." *Id.* (emphasis added). The Manual lists several considerations that may be used, and *two considerations that are mandatory.*

The Manual requires that “Safety of the property owner and general public *will* be considered. The Commission *may* consider health and safety impacts for the residents, adjacent property owners, and public at large when evaluating a removal request[.]” The Council will search the staff reports and minutes in vain for any express consideration of safety of the Appellants and general public. Comments offered by residents at both Tree Committee meetings set forth above, in fact, demonstrated that the general public does *not* feel safe around these trees, given the multiple limb drops and persistent hardscape damage.

Rather than address the safety of the property owner and general public, the staff focused on the strawman argument of the nuisance caused by the trees (which is considerable, but which is expressly disclaimed as a basis for tree removal), and the fact that the estimated asset value of the tree outweighed the cost for any hardscape repair. Asset value of the tree is the Manual’s second *mandatory* consideration (“The value of the tree as listed in the City’s inventory *shall* be included in the information presented to the Commission.”). Nowhere in the Manual does it state that the value of the tree should be compared to hardscape damage costs as some type of litmus test. Given values of \$14,740 and \$9,110, it would be a rare occurrence indeed for tree values to be overcome by hardscape costs.

At the November 7, 2018 Commission meeting, several commissioners asked Community Services Acting Director Roger for clarification of what might constitute a hazardous tree. Director Roger’s response did not address the issue. Because the Tree Committee and the Commission failed to analyze the threat to the Kemper Avenue residents and the public at large, the City Council should overrule the denial of Appellants’ request. These trees have recently dropped limbs with increased regularity, have consistently caused hardscape damage presenting

a danger to pedestrians and bicyclists, and create potential liability issues for the City.

**B. The City’s Purported Termination of the Kemper Avenue Programmed Tree Removal and Replacement Program Violated Residents’ Due Process**

As set forth above, the City approved and implemented a phased tree removal and replacement program for the Canary Island pine trees on Kemper Avenue. To implement such a program, the Tree Policy Manual requires that

Any plan proposal for phased removal of trees in a defined area *must be* specifically crafted to meet the needs of the particular area. Such a proposal *must be presented to affected residents at a noticed workshop*. In addition, Programmed Tree Removal and Replacement Programs *must be reviewed* by the Tree Committee and Community and Human Services Commission and *approved* by the City Council prior to implementation.

In 2004, the City approved the Kemper Avenue residents’ request to remove the Canary Island pine trees, because they had been causing hardscape damage and presented a hazard to the community. As late as 2008, City staff represented that “the removal of all of the Pine trees would be completed in five to six years.”

As part of the process of seeking to expedited removal and replacement of their trees, Appellants discovered for the first time in February 2018 that the approved program had apparently been terminated. Commission staff has been unable to find any notice to Kemper Avenue residents, either before or even after termination of the program, regarding the purported termination. Commission members have apologized to the Kemper Avenue residents at the Tree Committee and Commission meetings.

As set forth in California Government Code § 54950 (Government Code §§ 54950-54963 are referred to as the “Brown Act”):



The people of this State do not yield their sovereignty to the agencies which serve them. The people, in delegating authority, do not give their public servants the right to decide what is good for the people to know and what is not good for them to know. The people insist on remaining informed so that they may retain control over the instruments they have created.

Commission staff could not point to any specific notice given to the Kemper Avenue neighborhood residents, either before or after the decision to terminate their approved Tree Removal and Replacement Program. Appellants will continue searching City archives, but in the interests of safeguarding their right to appeal, Appellants file this appeal and will supplement it with further findings if appropriate. Taking away the approved program, which provided rights to Kemper Avenue neighborhood residents for the removal and replacement of their pine trees, without notice violated such residents' due process rights.

**C. The Potential Liability to the City Far Outweighs Keeping the Kemper Trees**

The Commission estimated the value of the two trees at issue as \$14,740 and \$9,110, for a total of \$23,850. To date, the City has likely spent close to that amount or more in simply repairing hardscape damage. See, e.g., \$115,509.75 sought for the removal and replacement of specified hardscape on Kemper Avenue and three other streets, required in 2007 (Claremont Community Services Commission Meeting Minutes, September 13, 2007, p. 8).

The cost for pipe repair related to the Kemper trees was \$2,750. On at least 6 occasions, the trees damaged the sidewalk sufficiently to require repair. The curb was removed and replaced in July 2014, and two driveway sections have been removed and replaced. On at least 3 occasions, emergency tree cutting crews have had to come and remove massive limbs

that have dropped, including two since July 1. All of these repairs cost money.

The approved Tree Removal and Replacement Program for the Kemper Avenue neighborhood recognized the hardscape damage – and the costs and hazards it presented – as a prime reason supporting approval of the Program. At least one person has already been injured due to the specific trees in front of 2233 Kemper Avenue, and given the hazards provided by such trees, it appears likely that additional injuries or worse will occur in the future.

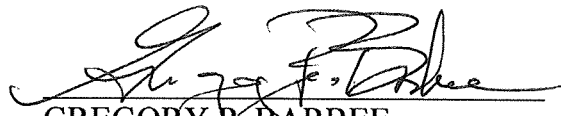
Rather than take the chance that someone might be injured from these trees, and specifically from the 2233 Kemper trees, Appellants request that the City approve the removal and replacement of those trees. Having been put on notice as to the hazards presented by such trees, the City is in a particularly precarious position should any subsequent injuries occur.

#### **IV. CONCLUSION**

For the reasons and authority set forth herein, Appellants request that the City Council overrule the Commission, and approve Appellants' request for the removal and replacement of the two Canary Island pine trees in front of 2233 Kemper Avenue.

DATED: November 16, 2018 APPELLANTS GREGORY AND  
MELANIE BARBEE

By:

  
GREGORY P. BARBEE



2233



group was concerned with the reason why the residents were concerned; the nuisance. He said that this is one of the reasons why community members and staff spent one and one-half years revising the *Tree Policies and Guidelines Manual*. Mr. Path said that the revisions that were made to the guidelines were made so there would be a responsible process to evaluate trees.

There were no further requests to speak.

◆◆◆END OF CONSENT CALENDAR◆◆◆

#### Routine Administrative Items

##### 1. Approval of the Tree Committee Meeting Minutes of March 21, 2018

Chair Kane invited public comment. There were no requests to speak.

**Commissioner Leano moved to approve the Consent Calendar as presented, seconded by Commissioner Kane, and carried on a vote as follows:**

**AYES: Commissioners Kane and Leano**  
**NOES: None**  
**ABSENT: Commissioner Munson**

◆◆◆END OF CONSENT CALENDAR◆◆◆

#### ADMINISTRATIVE ITEMS

##### 2. Request for Removal of Two Canary Island Pine Trees at 2233 Kemper Avenue

Deputy Director Dave Roger presented the staff report and a PowerPoint presentation. Mr. Roger stated that in Ms. Barbee's email she is requesting that both trees be removed because they are a danger to herself, her family, and the Kemper Avenue community. Deputy Director said that both trees are in good condition and there was no sign of decay in the limb that failed. He said that it is staff's opinion that the limb dropped due to the summer limb drop phenomenon, where trees just drop limbs when it is hot and humid out.

Deputy Director Roger showed a picture of hardscape issues to the drive approach that it is slightly raised from the north tree and on the south side the curb and gutter has been repaired.

Deputy Director Roger said that there is a lot of history regarding the Kemper Avenue Pine trees. He said that it appears that in the past because of concerns from the community to address the issues of the Pine trees and hardscape issues, staff brought a proposal to the neighborhood at a community meeting with three options and there was not a consensus from the neighborhood at that time. He said that this issue came back to the Commission

in February 2004 and at that meeting it appears that the Commission approved the removal of 14 trees. Mr. Roger said since that time there has only been only request for removal of a tree in 2012 and that request was denied by the Tree Committee and Commission.

Commissioner Leano asked if the summer limb drop phenomenon was something new.

Deputy Director Roger said no.

Commissioner Leano asked if there have been any removals of Pine trees in this area because the trees met the tree guideline requirements of dead, diseased, or hazardous.

Deputy Director Roger said from what he can tell from the files; no trees have been removed since 2004.

Commissioner Leano said the per the *Tree Policies and Guidelines Manual* we have to evaluate several factors, but we can authorize the petition to remove a tree if we make a determination if the tree is dead, diseased, or hazardous. Mr. Leano said that based on the limb drop phenomenon and that there are several other limbs falling throughout the City that even if the trees loses a limb it still meets the definition of a healthy tree.

Deputy Director Roger said yes.

Commissioner Leano said that if this tree lost a major limb and its concluded that there is a risk of limb failure for any of these trees then even though the trees are determined to not be dead or diseased could they still meet the definition of hazardous.

Deputy Director Roger said that when we follow the International Society of Arboriculture's guidelines for evaluating a tree, in that if there are numerous limb failures that raises the risk of failure up and then that could eventually put it into that hazardous category. He said that one limb does not trigger a change in the evaluation of the tree.

Chair Kane invited public comment.

Melanie Barbee, Claremont resident, presented a packet of information and history to the Committee. She said she has been a Claremont resident for 29 years and lived in four different places but has lived on Kemper Avenue from 2000 to present.

Ms. Barbee said that in the timeline she presented she laid out the difficulties they have had with pine needles, hardscape, and different things that have happened with the trees.

Ms. Barbee said it was in 2003 that we had the neighborhood meeting where we were promised by the City that the trees would be removed in phases. She said the whole neighborhood was at the meeting and there was a consensus that the Chinese Pistache tree was to be the replacement tree.

Ms. Barbee said that Mr. Roger was incorrect about no prior removals, there have been several trees removed; at 2121 Kemper Avenue and 2117 Kemper.

Ms. Barbee said that the trees are so large, and they are blocking the street lights and the streets are very dark. She also said a lot of us have moved to Claremont because of the beautiful mountains and we can't even see the mountains any more. She stated that these trees are not practical or appropriate for the neighborhood.

Ms. Barbee said that staff is making recommendations without all of the information to the Tree Committee and that is troublesome to her.

Ms. Barbee said that in 2007 she asked for the drainage pipe and the cement to be fixed and she had to get quotes. She said Jonescape did the work for about \$2,800 and if the City would have removed the trees when they were supposed to be removed, the City would have saved that money.

Ms. Barbee said you also don't see in your report is the cost to fix the sidewalk three times in front of our house, the walkway twice, the driveway with the pipe and the cement, how much did that cost. She said you don't see those costs.

Ms. Barbee said we just want a safe, beautiful neighborhood, but we think it is inappropriate to have these trees in our neighborhood.

Resident spoke and said there was a severe windstorm in the early 90's and his neighbors to the west had their trees blow over. He said he had a number of trees on his property and since Kemper Avenue is closed at the high end he made a request for removal of his trees because if there was another severe storm and they blew those trees down, access by emergency personnel would be limited.

Commissioner Leano asked when the trees were removed from 2121 and 2117 Kemper Avenue.

Resident said the trees on the east side of his driveway at 2121 Kemper Avenue were removed as part of a project that goes back to 2000 because they were deemed hazardous; but the three trees remained on the west side of driveway. He said those trees caused significant hardscape damage and then he requested in 2013 to have the last three trees removed and they were.

Chair Kane said she drove by the address and said that the trees are magnificent. She stated that the west end of Briarcroft Road is lined with huge Pine trees that probably should have not be planted there but they are gorgeous.

Ms. Barbee said she included a picture of Decatur Circle, which is a street that stems from Kemper Avenue, and those Pine trees were removed and the Chinese Pistache trees were planted and they are beautiful and don't pose the danger that the Pine trees do.

Victoria Walker, Claremont resident, commented on the limb falling phenomenon and she thinks it is important that the City knows that this is part of public record and if you are ok with limbs just falling and someone gets hurt in that neighborhood it would awful. She said that these trees are forty years old and she asked what is the life span of these trees. She said are they are the point where they are just too big and too old to be there. She said that in the 2003 meeting she thought an agreement was made that the trees were on a nine year cycle and then we never heard any other word; 15 years of silence and this is inexcusable.

Bob Walker, Claremont resident, said the gentleman is wrong about the tree removal. He said that he had a tree removed in 2005-2006. Mr. Walker said that there was a consensus at the neighborhood meeting and it was agreed on for the removal and replacement and it was guaranteed by the City that this would happen and that the money was there.

Mr. Walker said that a lot of the trees in the neighborhood are heavy; the branches are growing out and sagging. He said the trees creek and crack; they need to be thinned.

Mr. Walker said that in 2006 he was going to redo his yard and he called the City to have the Pine tree removed and the City said no problem, but it took a year.

Mr. Walker said that recently someone was in the neighborhood putting green marks on the curb to plant more trees. He said the City can't even take care of the ones they have. He said that the trees need to be thinned out.

Isabelle Barbee, Claremont resident, said after her parents received the agenda packet that stated that this was an unexplained phenomenon she researched the summer limb drop phenomenon and found there are four reasons for this:

1. Evapotranspiration
2. Limb defects
3. Infection
4. Drought and weaken cell structure

Ms. Barbee said from their position they think the second and fourth reasons would be most likely for the trees in their area to experience this. She said she looked further into what process needs to be completed to avoid summer limb drop and found that mature trees with large limbs that are uncared for are candidates for summer limb drop and also that arborists need to check trees frequently. She said she is under the impression that this doesn't happen, especially in their neighborhood. She said we don't see a frequent check of trees or pruning of trees in our area; this is obviously not happening. This is reasons why summer limb drop is happening.

Ms. Barbee said that the summer limb drop phenomenon is not something that is simply unexplained, she said there is a huge explanation behind it. She said what we see here for the explanation for the limb drop in her neighborhood and many other neighborhoods in Claremont is probably due to the fact that the trees are not being pruned or checked frequently by an arborist.



Gregory Barbee, Claremont resident, said we need to focus on the legal aspects and liability that these trees present to the City and us. He said the north tree has caused four or five different occasions where the sidewalk, driveway, and gutter needed to be repaired because of raised and crumbling pavement. In addition, when we had the big wind storm last year we had limbs come off both trees. He said in July of this year when the limb dropped, the limb was  $\frac{3}{4}$  across the street and still attached creating a hazard for anyone driving by.

Mr. Barbee said these trees are big enough where if one of them did fall over it would take out the second story of our house. He said he has discussed this with others and attorneys in the development and they share the same concerns.

Mr. Barbee said to address Commissioner Leano's question about dead, diseased, or hazardous that is a matter of statutory interpretation with the word or in there you can still have a healthy tree, it can still be a hazardous. He said that the fact that the trees at 2121 were removed in part because they created a hazard, there is nothing saying they weren't healthy. He said he thinks the position that a tree needs to be dead or diseased isn't well taken given what the ordinance says.

Barnabus Path appreciated all of the residents with their specific concerns, but he wanted to address some of the points. He said the evapotranspiration is an important point and it has to do with the trees getting enough water. He said it is the owner's responsibility to provide adequate watering to those trees. He said the idea that tree branches falling off normal healthy trees is a hazard and that requires the need to consider removing the tree for the threat of lawsuits would mean that any healthy tree in the City would need to be removed, that doesn't make since.

Mr. Path talked about the cost for hardscape damage are paid because of the tree's value.

Resident said that we have the Canary Island Pines that have been replaced with Chinese Pistache and we love it. The City has fulfilled its responsibility to us to maintain a neighborhood that is pleasant. He said the neighborhood is beautiful with these trees that are appropriate to the neighborhood.

Chair Kane asked how tall are the Chinese Pistache trees and when were they planted.

Resident said they were planted around 2012 or 2013 and they have grown to their maximum height.

Melanie Barbee spoke for resident, Edwardo Degon of 2279 Kemper Avenue, he has concerns about the Pine trees in front of his home because he lives next to an Edison transformer. She said he said that the tree is moving it and he has made calls and no one has heard him.

John Snyder said that the issue that needs to be addressed right now is the thinning and trimming of these trees. He said that the maintenance of these trees is a good start.

Commissioner Leano thanked everyone for attending and Ms. Barbee for bringing all the information. He said he needs to read all of the information that she brought in and doesn't feel he can make a fair decision at this time.

Chair Kane asked when were the trees last trimmed and why are the neighbors disputing that.

Deputy Director Roger said that he doesn't have an answer for that. He said that our tree inventory program, Arbor Access, reports that the trees were last trimmed in 2016. Mr. Roger said that he called the company to see if they could supply documentation that the trimming was done, and they supplied a copy of the invoice.

Chair Kane asked staff if someone can go out and confirm if they were trimmed.

Chair Kane said that is it our duty to maintain the trees in Claremont even if the wrong tree was planted in the wrong place.

Chair Kane asked about tree replacement size.

Deputy Director Roger said that under the Solis Grant the replacement trees would be 15-gallon trees.

**Commissioner Leano moved to table this request to a subsequent Tree Committee meeting for consideration of evidence submitted by the petitioner, seconded by Commissioner Kane, and carried on a vote as follows:**

**AYES: Commissioners Kane and Leano**  
**NOES: None**  
**ABSENT: Commissioner Munson**

Commissioner Leano requested that if that there is going to be additional information submitted that it is done at least 14 days in advance.

The meeting adjourned at 7:01 p.m.

Minutes submitted by:

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Michele Gonzales  
Recording Secretary

Mr. Roger said as staff looks at developing the management plan we can look at the 13 different grids that the City is divided into and staff will be able to share with you the last time each grid was trimmed and maybe this can be adjusted.

Bob Walker said he thinks it is ironic that the two trees that weren't on the trimming list lost three major limbs this year. He said maybe we need an independent company to inspect the trees. He said maybe the person inspecting the trees does not have our best interest in mind or they are too worried about the budget. Mr. Walker said to find the money that was promised to us back in 2008 to mitigate this problem. He said we were not notified that the City Council made this decision to void our agreement with the City to take these trees out. He said there is a problem with communications and expertise and the fact there was mismanagement in the budget. Mr. Walker said we pay our taxes and expect the services.

Ron Bettenhausen said when they moved in 1978 they had a number of pine trees in their yard and they have all been removed for a number of reasons; the Chinese Pistache has been planted and it is wonderful. Mr. Bettenhausen said he wonders if the cost of maintaining these trees and the discomfort these trees cost the community compared to completing the program of removing the trees where residents want them removed. He said to replant trees that make sense; the pine trees shouldn't be in this urban environment.

Acting Director Roger said that the trees were inventoried last summer by an outside company and they did not find any issues with the trees.

Ms. Barbee asked if the report is available to the residents.

Management Analyst Dillman said yes, staff can get you a copy.

There were no further requests to speak.

**Commissioner Leano moved that the Tree Committee recommend that the Community and Human Services Commission approve the trimming of five pine trees at 2117, 2205, 2250, 2253, and 2261 Kemper Avenue and the remaining trees to be trimmed with the next grid cycle, seconded by Commissioner Munson, and carried on a vote as follows:**

<b>AYES:</b>	<b>Commissioners Kane, Leano, and Munson</b>
<b>NOES:</b>	<b>None</b>
<b>ABSENT:</b>	<b>None</b>

**5. Request for Removal of Two Canary Island Pine Trees at 2233 Kemper Avenue**

Acting Director Roger presented the report. He mentioned that at the last Tree Committee meeting Ms. Barbee resented a packet to the Committee and the Committee postponed the decision until they could review the information.

Mr. Roger said that he did look at the branch that came down during the wind storm and he went up in the tree to look at where the branch came off. He said it looked like a whirl wind

twisted the branch rather than failing by other means. Mr. Roger said he did not see any decay in the tree and a nice clean cut was made and it should heal over. He said based on the policy he cannot justify removal of the tree at this time.

Chair Kane asked about trimming of the tree.

Mr. Roger said that when the contractor was out taking care of the branch he had them do some trimming bringing back some branches that were farther out.

Commissioner Leano said his concern is that there are Commission meeting notes with approval of the phasing out program and no notes with cancellation of this program.

Commissioner Munson asked if there were minutes from the City Council meeting that this program was discontinued.

Mr. Roger said yes.

Chair Kane said that when she walked the neighborhood with Mr. Roger that she thought the south pine at 2233 Kemper Avenue looked stressed and that Mr. Roger agreed. Chair Kane asked if staff can keep an eye on this tree.

Commissioner Munson asked if staff thought the tree was getting enough water.

Acting Director Roger said he did not do a soil sample and looked like it had enough moisture.

Chair Kane invited public comment.

Melanie Barbee said if you look at the documentation that she presented to the Committee that we were promised that those trees would be removed. She said she has had to have her driveway replaced twice, drainage repaired, etc.

Ms. Barbee said she got hit in the head from a pine cone and got sap in her hair and it took her hours to get it out.

Ms. Barbee said she just wants what was promised to her. She said that there was no communication that the program was phased out. She said some of these trees were gifted and were not part of the City plan. She said that these trees are too big for our neighborhood and they cause a lot of damage and they are dangerous.

Ms. Barbee said that we had branches go down during the summer limb drop and now during the wind storm.

Ms. Barbee said in the letter she received that her request was denied there was a little paragraph that read that now we are responsible to pay for the trimming of the trees. She feels like the City has let them down; she feels betrayed and lied to. She feels like she is being looked at like she is a complainer.

Vicky Walker said by law when the program to phase out the trees was instituted should we have been notified. She said we were all on board and patient should we have by law been notified. She asked if staff could find out.

Mr. Roger said based on how the City does things in 2018 yes, we would have notified the neighbors, but he can't say what the policy was in 2008. Mr. Roger said we can see what records we can find.

Greg Barbee said according to the tree policy, trees can be removed because they are a hazardous. He said that we have had two large limbs fall off our trees, they are heavy and the biggest one on the block and his concern is in terms of a hazard and the safety of the property and safety of the residents. He said that the policy states that these things will be considered, and this is not mentioned in the staff report.

Mr. Barbee said that in the report it reads that the value of the tree is greater than the cost of hardscape repairs; the value is not greater than someone's life or liberty. He said that when the large branch fell and blocked part of the street, the City coned it off before it was removed on the next day. He feels that this was a safety problem for the general public.

Mr. Barbee said that when the arborist went through last year it was stated that none of the trees in our neighborhood needed trimming and now there are five identified as needing trimming and none of those are at 2233 Kemper Avenue.

There were no further requests to speak.

Commissioner Leano said he understands the resident's frustration about the lack of communications between the City and the Kemper Avenue neighborhood regarding the pine tree mitigation. He said that the program was changed, and the neighborhood was not involved in the dialogue. He said he thinks that if the neighbors were there when it was discussed it would have changed the disposition of the meeting right now.

Mr. Leano said the biggest error is not that the City changed the program, but that you were not told about it and were not asked for your input and second that the City didn't notice the neighborhood after we changed a neighborhood agreement. He said the City needs to do a better job at documenting the work and do the work well. He said all of those things didn't happen.

Commissioner Leano said based on the existing policy he does not have enough evidence to support the removal request, but he hopes that the petitioner will appeal to the Commission.

**Commissioner Kane moved that the Tree Committee recommend that the Community and Human Services Commission deny the request for removal of the two Canary Island Pine trees at 2233 Kemper Avenue and that staff monitors the south tree, seconded by Commissioner Munson, and carried on a vote as follows:**

**AYES:** Commissioners Kane, Leano, and Munson  
**NOES:** None  
**ABSENT:** None

ADJOURNMENT

The meeting adjourned at 7:50 p.m. to the next special meeting scheduled on November 29, 2018 at 6:00 p.m. in the City Council Chamber, 225 W. Second Street, Claremont.

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Lee Kane  
Chair

ATTEST:

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Michele Gonzales  
Recording Secretary

## PUBLIC COMMENT

Amy Crow, Manager of the Claremont Library, announced that the Claremont Library will be reopening on Monday, November 26 and the Express Library at the Hughes Center will be closing on November 17.

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## CONSENT CALENDAR

1. Claremont Community and Human Services Commission Meeting Minutes of October 3, 2018  
Recommendation: Staff recommends that the Community and Human Services Commission approve and file the Community and Human Services Commission meeting minutes of October 3, 2018.
2. Committee Meeting Minutes  
Recommendation: Staff recommends that the Community and Human Services Commission receive and file the various Committee meeting minutes.
3. Request for Removal of Two California Coast Live Oak Trees at 2424 San Diego Court  
Recommendation: Staff recommends that the Community and Human Services Commission approve staff to look into treating the two trees at 2424 San Diego Court next spring and postpone the decision of removal.
4. Request for Removal of a Canary Island Pine Tree at 207 Eagle Grove Avenue  
Recommendation: Staff recommends that the Community and Human Services Commission deny the request for removal of the pine tree at 207 Eagle Grove Avenue.
5. Petition to Trim Pine Trees on Kemper Avenue and Lawrence Circle  
Recommendation: Staff recommends that the Community and Human Services Commission approve the trimming of five pine trees at 2117, 2205, 2250, 2253, and 2261 Kemper Avenue and the remaining trees to be trimmed with the next grid cycle.
6. Request for Removal of Two Canary Island Pine Trees at 2233 Kemper Avenue  
Recommendation: Staff recommends that the Community and Human Services Commission deny the request for removal of the two Canary Island Pine trees at 2233 Kemper Avenue.
7. Proposed Pooch Park Sign  
Recommendation: Staff recommends that the Community and Human Services Commission approve the installation of warning signage at the Pooch Park.

8. Trash Enclosure Cleaning Fee

Recommendation: Staff recommends that the Community and Human Services Commission approve the proposed trash enclosure cleaning fee at the contract cost (currently \$150) plus a 10 percent administrative fee.

9. Appointments to the Committee on Human Relations (COHR)

Recommendation: The Community and Human Services Commission Ad Hoc Selection Committee recommends that the Community and Human Services Commission make the following appointments to the Committee on Human Relations (CoHR):

- Laura Mulroy, appointment to serve a four-year term (2018-2022)
- Chris Naticchia appointment to serve a four-year term (2018-2022)

Chair Kane invited public comment.

**Melanie Barbee** spoke on Item #6. She said she has been corresponding with the City since 2000 regarding the Pine trees. She said they did have a neighborhood meeting in 2006 and they were told that the trees would be replaced with the Chinese Pistache. She said they waited for years for their phase to occur and when it didn't happen, she talked with Mr. Roger and in February she received a letter that read there was no longer a tree replacement program and that there was a survey done in the neighborhood. She said that there was no such survey in their neighborhood.

Ms. Barbee said she is here to ask for what she was promised. She said they have had two large limbs fall recently and we are very fortunate that the branches didn't fall on someone.

Ms. Barbee said that in 2006 were told that they were getting these trees and that is all we are asking for.

**Gregory Barbee** said that he wanted to address three issues as to why their request should be granted:

1. The staff recommendation is flawed.
2. The cost of this should be considered.
3. The legal issue of the cancellation of this program without notice to the neighborhood.

Mr. Barbee said that in the staff recommendations two bases are given for denial. He said one is the nuisance caused by the leaves, needles, or hardscape damage and that is not justification for removal. He said that is not why we are asking for these trees be removed. He said these trees are elderly trees and have not been trimmed according to the City's guidelines; we have had two limbs drop from the south tree. Mr. Barbee referred the exhibits that were emailed to the Commission. He said Exhibit #10 are photos from the October limb drop. He said it was a substantial limb and it blocked half of the street. He said it could have caused substantial harm.

He said second is the value of the trees out weighs the cost of repairs of hardscape. He said that this was not an argument raised by them.



Mr. Barbee said a consideration that was not put into the recommendation, which is required, is the safety of the property owner and general public would be considered, as stated in the *Tree Policies and Guidelines Manual*. He said no where in the recommendation do you see that.

Mr. Barbee said the arborist and the Tree Committee walked our neighborhood and said the trees looked in good health. This analysis was done before the October limb drop, which in fact showed that there was a problem with the weight and heaviness at the top of the south tree.

Mr. Barbee reviewed the costs associated with the removal and replacement of the trees. The removal of the trees would be \$1,100 and the replacement of \$860, the staff cost to prepare the flawed report \$1,640, in addition the City has spent \$2,750 to repair hardscape damage, plus the cost to take care of the downed limbs, and other costs for repairs. The cost for removal and replacement would be \$1,960 and no other additional fees.

Mr. Barbee said in the Tree Policies Manual just to institute a tree replacement program you need a noticed workshop which was done but there was no notice given when this was cancelled and that violates due process.

Commissioner Leano pulled Item # 6 from the Consent Calendar.

**Commissioner Munson moved to approve the remaining items on the Consent Calendar as presented, seconded by Commissioner Forester, and carried on a vote as follows:**

**AYES: Commissioners Bekzadian-Avila, Brower, Forester, Kane, Leano, Munson, and Scott Toux**  
**NOES: None**  
**ABSENT: None**

Commissioner Leano asked since the trees were inspected before the last Tree Committee meeting has there been any change to the staff analysis to the health of the trees.

Mr. Roger said that staff has not changed their opinion on the health of the trees. He said that staff added into the agenda packet the survey that was done by the arborist doing the tree inventory. In the inventory, it shows that all the Pine trees on Kemper Avenue and Lawrence Circle were in good condition and could wait for routine trimming. Mr. Roger said that the inventory was done in March 2017.

Commissioner Leano asked if staff found any more evidence of when the repeal of the mitigation happened.

Mr. Roger said what he has been able to put together was at that at the same time Council and staff were dealing with the Shenandoah mitigation, the Shenandoah neighborhood was against the phasing out of those trees. At the Council meeting where this mitigation was

discussed, and City Council agreed that the phasing out would not happen and the trees would be evaluated on a case by case basis. Mr. Roger said unfortunately the Kemper neighborhood was not notified of that discussion.

Mr. Roger answered more questions from the Commission regarding the mitigations and hardscape damage.

- Commissioner Brower moved that the Community and Human Services Commission:**
- 1. Deny the request for removal of the two Canary Island Pine trees at 2233 Kemper Avenue;**
  - 2. Direct staff to inspect the two trees twice a year and to notify the property owner when the inspections will occur; and**
  - 3. Direct staff to update the Tree Committee and the Commission on the status of the inspections.**

The motion was seconded by Commissioner Forester and carried on a vote as follows:

**AYES: Commissioners Bekzadian-Avila, Brower, Forester, Kane, Leano, Munson, and Scott Toux**  
**NOES: None**  
**ABSENT: None**

**\*\*END OF CONSENT CALENDAR\*\***

#### ADMINISTRATIVE ITEMS

##### 10. Community Based Organization (CBO) Site Visit Oral Update

Director Turner updated the Commission on the CBO site visits and thanked the Commissioners for their time. She said they conducted 23 visits.

Director Turner answered a few questions from the Commissioners.

Chair Kane invited public comment. There were no requests to speak.

**The Commission received and filed this report.**

##### 11. Requests for Tree Removal Evaluation by the Commission

Deputy Director Roger presented the report and discussed criteria for tree removals.

Mr. Roger answered some questions from the Commissioners.

Chair Kane invited public comment.



# Claremont City Council

## Agenda Report

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**File #:** 2742

**Item No:** 9.

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**TO:** TARA SCHULTZ, CITY MANAGER

**FROM:** BRAD JOHNSON, COMMUNITY DEVELOPMENT DIRECTOR

**DATE:** FEBRUARY 12, 2019

**Reviewed by:**

City Manager: TS

Finance Director: AP

**SUBJECT:**

**SECOND READING AND ADOPTION OF AN ORDINANCE AMENDING THE CLAREMONT MUNICIPAL CODE TO MODIFY HOW ACCESSORY DWELLING UNITS (ADUS) ARE REGULATED (#17-CA01). CITY-INITIATED**

**SUMMARY**

The City has initiated amendments to the Claremont Municipal Code pertaining to Accessory Dwelling Units (ADUs) in response to changes in State law aimed at spurring the increased production of ADUs. The proposed code amendment would repeal the entire Claremont Municipal Code (CMC) Chapter 16.333 - Accessory Second Units and replace it with the revised CMC Chapter 16.333 - Accessory Dwelling Units. The draft City Council ordinance approving the proposed code amendment is provided as Attachment A.

The proposed code amendment would change how ADUs are regulated in Claremont in terms of where they are permitted, allowing for ADUs on more of the City's residential properties, while revising regulations pertaining to their sizes, setback requirements, parking requirements, architectural design standards, and their heights. The proposed code amendment would provide for a ministerial review process for ADU applications, as required by State law. It also provides for a discretionary review process where ADU proposals that deviate from development standards and/or architectural review standards for ADUs are subject to review by either the Planning Commission, Architectural Commission, or both. Additionally, the draft ordinance provides an incentive for property owners to commit to renting an ADU at affordable rental levels.

The proposed code amendment responds to and complies with changing State laws to permit the development of ADUs on more of the City's residential properties, while putting in place detailed development standards to help ensure that new ADUs are well integrated into and compatible with the City's urban fabric. In creating dual approval processes, the City's regulations for ADUs will comply with recently changed State laws regulating ADUs to facilitate their increased production in a

manner that does not detract from, but rather enhances the City's sense of place and high quality of life.

On January 22, 2019, staff presented the attached ordinance amending CMC Chapter 16.333 to the City Council. The City Council voted unanimously to place the ordinance on first reading.

## **RECOMMENDATION**

Staff recommends that the City Council waive further reading and adopt AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF CLAREMONT, AMENDING EXISTING MUNICIPAL CODE CHAPTER 16.333, CURRENTLY ENTITLED "ACCESSORY SECOND UNITS" (#17-CA01).

## **ALTERNATIVES TO STAFF RECOMMENDATION**

In addition to the recommendation, there are the following alternatives:

- A. Request additional information
- B. Do not adopt the ordinance

## **FINANCIAL REVIEW**

The cost to prepare and review the proposed code amendment pertaining to ADUs is estimated at \$7,500, and is included in the operating budget of the Community Development Department.

## **BACKGROUND**

Accessory Dwelling Units are secondary, independent living facilities located on a property with an existing residential unit or units. ADUs are commonly referred to as "granny flats" or "in-law" units. The CMC refers to them as "Accessory Second Units". Legislation passed at the State level in 2016 and 2017 amended Government Code Section 65852.2, which regulates ADUs. The intent of the three bills is to spur the increased production of ADUs. The legislation was passed to address the housing crisis affecting communities across Southern California and the State as a whole, where there exists a substantially higher demand for housing than can be met by the existing supply. In turn, housing affordability is affected, impacting both homeowners and renters. State law seeks to address this crisis of housing supply and affordability by spurring the development of ADUs by requiring local agencies to remove regulatory, physical, and financial barriers to constructing secondary living units.

Revised State regulations require local agencies to revise and ease restrictions on ADUs and provide more flexibility in development standards for ADUs, including but not limited to permitted sites for ADUs, ADU sizes, setbacks, parking requirements, conversions of garages into ADUs, fire sprinkler requirements, utility connection requirements and development impact fees.

Claremont's current requirements for "Accessory Second Units," are contained in CMC Chapter 16.333 provided as Attachment B to this report. The current applicable regulations for ADUs that were put in place in 2003 differ considerably from the State's requirements. There are several areas where current code requirements do not comply with the State's legal requirements and need to be revised as part of this code amendment.

It is important to note that while State law limits local agencies from enacting and enforcing restrictions that excessively burden the construction of ADUs, it does allow local agencies to maintain

discretion over certain development standards and provisions. By maintaining some discretion over how ADUs are regulated, the City can help ensure that new ADUs are well integrated into, and compatible with, its existing neighborhoods. Local agencies may adopt standards that are less stringent than those prescribed by the State, but may not adopt more stringent standards that would inhibit the construction of ADUs, except in areas where State law allows them to maintain discretion.

The proposed code amendment addresses the following topic areas where State law allows the City to maintain discretion: location criteria for permitted sites for ADUs, maximum and minimum ADU size, ADU height, lot coverage, architectural design standards for ADUs and owner occupancy and rental requirements for ADUs, as well as those such as parking, where State law leaves cities with less flexibility. The proposed code amendment also sets forth a straightforward ministerial review process for ADU applications, as well as an alternative discretionary review process for applicants that wish to employ creativity in an ADU's design and deviate from certain development standards and/or the architectural design standards.

### Commission & City Council Review

The proposed code amendment is the product of considerable review and discussion by the City's Planning and Architectural Commissions. On February 20, 2018, staff held a first study session with both Commissions where staff introduced the topic and the changes the City would be required to make as a result of State legislation. At the February 20 study session, the Commissions formed two sub-committees consisting of three members of each Commission. Planning Division staff held two meetings with the Planning Commission's sub-committee and one with Architectural Commission's sub-committee in the March 2018 where the groups focused on the various topic areas to produce recommendations that could be incorporated into a draft ordinance that complied with State law.

On June 18, 2018, the City held a second study session with both Commissions where a first draft revised CMC Chapter 16.333 that incorporated the sub-committees' recommendations was reviewed and discussed. The Commissioners made further recommendations at the June 18 study session that were incorporated into a draft ordinance that went before the Planning Commission, as the recommending body for code amendments, at one of their regularly scheduled public hearings on October 2, 2018.

On October 2, the Planning Commission reviewed the draft ordinance and generally expressed support for the revised regulations for ADUs, but ultimately voted to continue the item, instructing staff to make certain minor changes pertaining primarily to the alternative discretionary review process for ADUs. The draft ordinance was brought back to the Planning Commission on October 16, 2018, where the Commission voted unanimously to recommend approval of the draft ordinance to the City Council.

On January 22, 2019, the City Council introduced the draft ordinance amending the Claremont Municipal Code, revising how ADUs are regulated within the City. There was considerable discussion regarding the draft ordinance, particularly with respect to the maximum allowable square footages for ADUs and how the draft ordinance would incentivize the production of ADUs that would be rented at affordable levels. The City Council voted unanimously to introduce the draft ordinance, finding that it effectively responds to regulatory changes driven by new State law to encourage the increased production of ADUs, while also serving to ensure that their development takes place in a way that is consistent with the character of Claremont and its neighborhoods. Public comment received after the January 22, 2019, City Council meeting have been attached to the staff report as Attachment D.

### ANALYSIS

The draft ordinance represents a considerable change to how ADUs are regulated in the City. The draft ordinance responds to regulatory changes at the State level to allow ADUs on many more of the City’s residential properties while adjusting downwards the maximum permitted floor area for ADUs in most of the City’s residential zones, and also putting stronger, more specific architectural design standards for ADUs in place.

In compliance with State law, the draft ordinance provides for a ministerial review and approval process for ADU applications. It also provides an alternative, more rigorous discretionary approval process that allows applicants room for creativity and ingenuity in the design and development of an ADU. Staff believes that new ADUs that satisfy the ministerial standards in the draft ordinance will be compatible and consistent with the City’s built environment in terms of their appearance, scale, location on residential and impacts to neighborhoods. At the same time, the draft ordinance accommodates applicants who wish to exercise creativity and deviate from the ministerial development standards and prescriptive architectural design standards for ADUs, subjecting such applications to a higher level of review requiring the input and approval of the Architectural Commission, the Planning Commission, or both.

The Analysis section of the staff report for the January 22 City Council meeting, which is attached for reference (Attachment C), provides a topic-by-topic overview of the proposed ministerial standards for ADUs. The staff report also describes how the draft ordinance provides for a discretionary review that allows for deviation from certain ministerial standards under the alternative discretionary review process. Specifically, the draft ordinance subjects proposals for ADUs that:

- are larger than the by-right maximum square footage for ADUs
- are taller than the ministerially-permitted 15-foot maximum height for ADUs and
- are on residential properties smaller than 6,000-square feet in size
- deviate from the architectural design standards for ADUs.

The January 22 staff report also describes the procedures for the discretionary review track for ADUs and the findings the Planning Commission and Architectural Commission must each make in order to approve an ADU application submitted for discretionary review.

The fees associated with the Planning Division’s review of ADU applications differ for the ministerial and discretionary review tracks. Given that the discretionary review process set forth in the draft ordinance requires review by the Planning and Architectural Commissions, more staff time is required to process the application than in the staff-level ministerial review process.

The required fee amounts for ADU applications submitted for ministerial and discretionary review differ. The below table summarizes the fees associated with the Planning Division’s review of ministerial and discretionary ADU applications:

<b>Ministerial Review</b>	<b>Discretionary Review</b>
Staff level review	Architectural & Planning Commission review
\$880 (fixed)	<ul style="list-style-type: none"> <li>- Architectural Commission review - \$2,500 (deposit)*</li> <li>- Planning Commission review - \$2,500 (deposit)*</li> </ul>

\* For all deposit-based applications, City staff bills time spent reviewing the project, corresponding with the applicant, City Attorney review (if necessary) preparing staff reports to the Commissions, and attending Commission meetings against

the deposit amount. In cases where staff's accumulated time falls short of the deposit amount, the difference between the deposit amount and the actual time spent is refunded to the applicant.

For all deposit-based applications, City staff bills time spent reviewing the project, corresponding with the applicant, preparing staff reports to the Commissions, and attending Commission meetings against the deposit amount. In cases where staff's accumulated time falls short of the deposit amount, the difference between the deposit amount and the actual time spent is refunded to the applicant.

In the case of discretionary ADU applications, staff does not anticipate that the combined deposit amounts will be exceeded in reviewing such applications. Rather, staff anticipates that as more and more discretionary ADU applications are reviewed by City staff and the two Commissions, that staff time needed to process such applications will decrease as both staff and the Commissions gain familiarity with them. As such, staff expects that most applicants who submit ADU applications for discretionary review will be able to be refunded a portion of the deposit amount. However, in cases where multiple rounds of corrections and revisions are required before the project may be brought forward to the Commissions, the cost of processing discretionary ADU applications may be higher.

#### Incentivizing Affordable Accessory Dwelling Units

Changes to regulations for ADUs proposed in the draft ordinance clearly reduce regulatory barriers to the development of ADUs by allowing them on many more of the City's residential properties than currently permitted and by creating a straightforward ministerial review process through which they may be approved. In terms of financial incentives, State law requires that fees such as sewer connection fees or capacity charges be charged at a rate that is proportionate to the burden of the proposed ADU, which is anticipated to be less than that of a primary residence given the smaller size of the ADU. This requirement is reflected in Section 16.333.060.E.2(d) of the draft ordinance.

The draft ordinance also includes an incentive for property owners who agree to rent a new ADU at below-market rental rate over a long term. Specifically, the City's Park Dedication Fee represents an opportunity to provide financial relief for property owners who wish to rent an ADU at an affordable rent level. The Park Dedication Fee is a development impact fee associated with the introduction of any new residential unit in the City. The Park Dedication Fee of \$4,400 was established by the City Council in 1973 and further amended in 1991.

Established under the Quimby Act, the purpose of the fee is to provide resources to the City for the acquisition and development of parkland and to fund improvements to public recreation uses. As a fee established under the Quimby Act, State law does not include this fee as one that must be reduced in association with new ADUs. However, the provisions set forth in Sections 16.333.050.B.3 and 16.333.050.B.4 of the draft ordinance would allow homeowners to avoid paying the \$4,400 Park Dedication Fee if they record an Accessory Dwelling Unit Affordability Covenant against the title of the property. The covenant would require that the ADU be rented at a rate that does not exceed 30% of the annual gross household of a household that qualifies as a "Low Income Household" as defined in CMC Chapter 16.036 - Inclusionary Housing Requirements. The draft ordinance would require the homeowner to certify the income level of the ADU's tenant upon renting the unit, and on an annual basis thereafter. Owners would be required to provide evidence that the ADU continues to be rented at the specified affordability level upon request of the City.

At the January 22 meeting, the City Council directed staff to track the number of new ADUs that are to be rented at affordable levels once the new ADU regulations in the draft ordinance are in place. The City Council also directed staff to continue exploring ways to further incentivize the creation of

ADUs as affordable housing. With the relatively recent adoption of State-level legislation to spur the increased production of ADUs, the extent to which the revised regulations will result in the increased production of affordably rented ADUs still remains to be seen. However, staff has identified several potential strategies to further encourage the creation of ADUs that would be rented at affordable rental levels.

One such strategy is engaging in a robust informational campaign, developed in collaboration with other relevant City departments, such as the Human Services Department, to disseminate information throughout the community regarding the revised regulations on ADUs and how they make it easier than before to establish one than the previous regulations. Many homeowners are unaware of what they can do with their property, particularly since the number of Claremont properties that were eligible to have an ADU was limited under previous regulations. By raising local awareness of ADUs, staff anticipates that more ADUs, including affordable ADUs, will be built. This is particularly important in a city like Claremont, whose population includes many senior citizens, many of whom have a desire to “age in place.”

Another potential approach to encouraging more affordable ADUs is to facilitate the legalization of existing, illegally established ADUs. Illegal ADUs may be legalized under the provisions of the draft ordinance so long as they comply with the standards outlined in the ordinance. Having a legally established ADU has been shown to increase the value of the subject property. However, the limited number of sites that are allowed to have ADUs under current code requirements curtailed homeowners’ abilities to legalize existing ADUs that were not properly permitted. Given that legalizing an existing ADU entails considerably less investment than constructing a new one, it stands to reason that such ADUs would be able to be rented at affordable levels, as there would not be a need to recoup as large an initial investment.

One way that the City could encourage the legalization of existing illegal ADUs is by offering a courtesy inspection of an illegally established ADU by a City Building Inspector and/or Planner, upon the request of the homeowner. City staff could provide preliminary advice regarding the work needed to legalize the ADU in terms of building and zoning code requirements, again providing the citizen with important information to be used in considering an ADU project.

Other methods of encouraging more affordable ADUs include collaborating with architects and designers to prepare a helpful ADU design guide that could include template floorplans that correspond to the regulations in the draft ordinance. In other communities, cities have collaborated with local credit unions to provide low-interest loans to property owners seeking to develop ADUs and are also willing to rent them at an affordable level over a long term.

Further potential financial incentives will be researched by City staff that will include a variety of additional programs utilizing our inclusionary housing fund balance or other funding sources. A new housing program aimed at ADUs could potentially subsidize application fees or design fees through grants or loans to applicants. Staff will prepare potential new programs for City Council consideration over the next six months for incentivizing ADU production for low income individuals and families.

## **BASIS FOR RECOMMENDATION**

Staff finds that the draft ordinance, which would repeal CMC Chapter 16.333 - Accessory Second Units, in its entirety and replace it with a new Chapter 16.333 - Accessory Dwelling Units, effectively responds to regulatory changes driven by new State law to encourage the increased production of ADUs, while also serving to ensure that their development takes place in a way that is consistent with



the character of Claremont and its neighborhoods. The proposed code amendment provides clear, straightforward ministerial standards that will be easily usable by property owners seeking to develop ADUs and City staff, who can use them to ensure they are compatible with the City's existing urban fabric.

At the same time, the proposed code amendment allows flexibility for property owners seeking to implement more creative ADUs, but subjects such proposals to a higher threshold of review involving the City's Planning and Architectural Commissions. In applying these dual approval processes through the draft ordinance, the City's approach to regulating will be brought into compliance with the State's legal requirements that ADUs be permitted in a ministerial approval process without abandoning the rigorous review process that results in the kind of high-quality development Claremont's residents and visitors cherish.

## **RELATIONSHIP TO CITY PLANNING DOCUMENTS**

Staff has evaluated the proposed code amendment in relationship to the City's strategic and visioning documents and finds the following:

**Council Priorities** - This item does not relate to the 2017-2018 Council Priorities.

**Sustainability Plan** - The proposed code amendment supports Goal Area 3 - Transportation, to decrease vehicle miles traveled by complying with State law to not require that parking be provided for ADUs located within a half-mile of the City's major transit stops. Doing so recognizes that residents of ADUs can take advantage of proximity of transit to decrease the number of vehicular trips and miles travelled.

The proposed code amendment also supports Goal Area 5 - Open Space and Land Use by providing the City with opportunities to collect Parkland Fees to support the procurement, development, and maintenance of open space resources as new living units are built.

Finally, the proposed code amendment supports Goal Area 6 - Housing & Economic Sustainability by reducing regulatory barriers to constructing ADUs and providing an incentive for the creation of ADUs that are rented to low income households over an extended 30-year term. Additionally, the conversion of existing structures, or portions of structures, into ADUs is a green building practice in that the adaptive reuse of existing structures precludes the need to use resources and materials to construct new structures.

**Economic Sustainability Plan** - The proposed code amendment does not directly relate to the Economic Sustainability Plan.

**General Plan** - The code proposed amendment many of the General Plan's goals and policies as follows:

- *Encourage sustainable development that incorporates green building best practices and involves the use of previously developed property... (Policy 2-1.1)*, in that the proposed code amendment will allow for much-needed new housing to be developed on more of the City's existing residential properties than is currently allowed while also easing restrictions on converting existing accessory structures into ADUs, a sustainable building practice that takes advantage of these existing structures "embodied energy," reducing the need to use resources to build new structures.

- Preserve the City's distinctive residential character by maintaining land use patterns that strengthen our neighborhoods (Goal 2-2); Promote neighborhood identity and conservation of individual neighborhood character (Policy 2-2.2); Maintain and enhance Claremont's unique character (Goal 2-5); Strengthen neighborhood identity with new development that is architecturally compatible with surrounding structures (Policy 2-11.2); Require that new construction, additions, renovations and infill developments be sensitive to neighborhood context and building forms and scale (Policy 2-11.3); Preserve the unique physical and social character of individual neighborhoods (Goal 8-2); and Require all new development to complement and respond to the established character of the neighborhood in which it is located (Policy 8-2.1)* in that the proposed code amendment fortifies architectural design standards for ADUs and also makes use of existing development standards and review criteria to ensure that new ADUs fit into Claremont neighborhoods' established development patterns and character in terms of their scale, location on properties, and architectural qualities. As State law requires that the City make it possible to develop ADUs on many more of the City's residential properties in a ministerial review, the proposed code amendment provides thoughtful and usable standards for ADUs that will preserve and even enhance the beloved character of Claremont's residential neighborhoods.
- Provide opportunities for a variety of housing types that respond to the need of residents of all age ranges and incomes, and located in all areas of the City (Policy 2-2.1)*, in that the proposed code amendment eases regulatory barriers to the creation of ADUs, which have been identified as a way to provide a housing type that can be accessible to residents across a range of ages and incomes in a manner that distributes these new housing units throughout the City's neighborhoods.
- Continue to place a high priority on acquiring and preserving open space lands in Claremont's hillside areas for purposes of recreation, habitat protection and enhancement, fire hazard management, public safety purposes, water resource protection, and overall community benefit (Policy 2-4.2), Provide a variety of park facilities that meet the diverse needs and interests of the community (Goal 5-9) and Pursue funding sources and programs to purchase privately owned hillside properties for expansion of the wilderness parks (Policy 5-3.1)* in that the proposed code amendment provides a mechanism to bolster City funds for parkland acquisition and park maintenance in requiring the payment of a parkland fee for every new ADU that is not restricted to an affordable rental level over a 30-year term.
- Promote community identity and local history by encouraging context-sensitive design and development (Goal 2-11); Encourage a variety of architectural styles for new and renovated structures that reflect local architectural characteristics (Policy 2-11.1); and Insist on excellence in architectural design of new construction in the City (Policy 2-5.1)*, in that the proposed code amendment includes detailed, prescriptive architectural design standards that will result in ADU architecture that is sensitive to the existing property context, is consistent with the existing architectural character of the property on which the ADU is developed, and features high quality materials and finishes that will enhance, rather than detract from the architectural character and quality of the property.
- Achieve optimum use of regional rail transit (Goal 4-4) and Expand and optimize the use of local and regional bus and transit systems (Goal 4-5)*; in that the proposed code amendment eliminates parking requirements for ADUs located in proximity to the City's major transit hubs, recognizing that the residents of these ADUs can take advantage of nearby transit

opportunities, bolstering the use of rail and bus systems rather than the use of private vehicles.

- *Provide opportunities throughout the City for adequate and affordable housing in a wide range of housing types to meet the needs of all socioeconomic segments of the community (Goal 8-3); 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 (Policy 8-3.1);* in that significantly eases regulatory barriers to the development of ADUs, which due to their relatively small size and ability to be located on existing residential properties throughout the City's residential neighborhoods, can provide affordable housing opportunities, meeting the housing needs of a variety of the community's socioeconomic segments and helping the City meet its regional housing responsibilities.
- *Use financial incentives and regulatory concessions to encourage the development of lower- and moderate-income housing (Policy 8-3.9) and 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 (Policy 8-3.11);* in that the proposed code amendment provides an incentive to develop ADUs that are restricted to a rental level affordable to households that qualify as either "Low Income" or "Very Low Income" over a 30-year term. Additionally, the proposed code amendment would allow such affordable units to be distributed throughout the City, given that the code amendment would make it possible to develop ADUs on many more residential properties than are currently permitted to have them.
- *Retain the City's present structure and organization, and encourage collaboration between the City Council, staff, commissions, committees and residents (Goal 9-1) and Encourage different commissions to hold joint meetings on issues that overlap responsibilities or interests of the commissions (Policy 9-1.8);* in that the proposed code amendment is the product of considerable collaboration between Planning Division staff and the City's Planning and Architectural Commissions, who held two joint study sessions, and created two sub-committees to devise the code amendment under review.

**2018-2019 Budget** - This item relates to the following goals of the 2018-2019 Budget:

CD-1: Provide guidance for public and private development consistent with the community's high standards.

CD-3: Facilitate housing opportunities for individuals at all income levels.

CD-7: Ensure that new development is attractive and compatible with its surroundings.

**Youth and Family Master Plan** - This item does not relate to the Youth and Family Master Plan.

## **CEQA REVIEW**

The review of the Code Amendment pertaining to ADUs is not a project as defined by Section 15398 of the California Environmental Quality Act (CEQA) guidelines. Additionally, the proposed Code Amendment pertaining to ADUs is statutorily exempt from the provisions of CEQA pursuant to Section 15282(h) of the Public Resources Code that exempts the adoption of an ordinance regarding

ADUs by cities and counties that implement the provisions of Section 65852.2 of the California Government Code. Therefore, no further environmental review is necessary.

### **PUBLIC NOTICE PROCESS**

The item has been noticed through the regular agenda process. Copies are available at the City Hall public counter, the Youth Activity Center, the Alexander Hugues Community Center, and on the City website.

Submitted by:

Brad Johnson  
Community Development Director

Prepared by:

Nikola Hlady  
Associate Planner

#### **Attachments:**

- A - Draft Ordinance Approving Code Amendment File #17-CA01
- B - Existing CMC Chapter 16.333 - Accessory Second Units
- C - January 22, 2019 #17-CA01 Staff Report
- D - Public Comment Received Before Publication of the Agenda

**ORDINANCE NO. 2019-****AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF CLAREMONT, AMENDING EXISTING MUNICIPAL CODE CHAPTER 16.333, CURRENTLY ENTITLED “ACCESSORY SECOND UNITS” (#17-CA01)**

**WHEREAS**, accessory dwelling units (“ADUs”) are commonly referred to as “second units,” “accessory apartments,” “accessory dwellings,” “mother-in-law units,” or “granny flats” and are additional living quarters that are independent of the primary dwelling unit; and

**WHEREAS**, in 2016, the State Legislature passed Assembly Bill No. 2299 (Bloom) and Senate Bill No. 1069 (Wieckowski) amending California Government Code Section 65852.2 related to ADUs, which bills took effect on January 1, 2017; and

**WHEREAS**, in October 2017, the State Legislature passed Senate Bill 229 (Wieckowski) and Assembly Bill 494 (Bloom) which further amended California Government Code Section 65852.2 to clarify ADU requirements, which took effect on January 1, 2018; and

**WHEREAS**, the intent of the above-described legislation is to reduce barriers to the development of ADUs; and

**WHEREAS**, the City of Claremont (“City”) currently regulates ADUs (referred to as “accessory second units”) in Chapter 16.333 of its Municipal Code, which is part of the Zoning Ordinance of the City of Claremont (Title 16 to the Claremont Municipal Code); and

**WHEREAS**, the City desires to repeal Chapter 16.333 - Accessory Second Units in of its Municipal Code in its entirety and replace it with the text of the proposed revised Chapter 16.333 – Accessory Dwelling Units in order to conform to the State legislature’s recent changes to California Government Code Section 65852.2, as set forth in Exhibit A to this Ordinance, attached hereto and incorporated herein (the “Code Amendment”); and

**WHEREAS**, on October 2, 2018 the Planning Commission held duly-noticed public hearing on proposed Code Amendment where the commission voted to continue the public hearing to October 16, 2018 and directed staff to make certain changes to the proposed revised Chapter 16.333 – Accessory Dwelling Units; and

**WHEREAS**, after closing the October 16, 2018 continued Planning Commission public hearing, and based upon all information and testimony presented at that hearing, the Planning Commission adopted a resolution recommending that the City Council approve the proposed Code Amendment; and

**WHEREAS**, on January 22, 2019, the City Council held a duly-noticed public hearing concerning the proposed Code Amendment; and

**WHEREAS**, the City Council has considered the requirements of the California Environmental Quality Act (CEQA) (Public Resources Code Section 21000 et. seq.); and

**WHEREAS**, this ordinance supports several of the goals and policies of the Claremont General Plan, including Goals 2-11 and 8-3, and Policies 2-2.1, 2-2.2, and 2-5.1, 2-11.2, 2-11.3, 2-11.4, 8-2.1, 8-3.1, 8-3.4, 8-3.9, and 8-3.11 of the General Plan; and

**WHEREAS**, the City Council has considered the proposed Ordinance; and

**WHEREAS**, the City Council has considered the staff report and all of the information, evidence, and testimony received at the public hearing.

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

**SECTION 1. Incorporation of Recitals** The City Council hereby finds that all of the foregoing recitals and the staff report presented herewith are true and correct and are hereby incorporated and adopted as findings of the City Council as if fully set forth herein.

**SECTION 2. CEQA** The City Council finds and determines that the code amendment is statutorily exempt from CEQA, as the proposed Code Amendment pertaining to ADU's is statutorily exempt from the provisions of CEQA pursuant to Section 15282(h) of the Public Resources Code that exempts the adoption of an ordinance regarding ADUs by cities and counties that implement the provisions of Section 65852.2 of the California Government Code.

**SECTION 3. Amendment** Chapter 16.333 (Accessory Second Units) of Title 16 (Zoning) of the CMC is hereby deleted in its entirety and restated to read as follows:

## **CHAPTER 16.333 ACCESSORY DWELLING UNITS**

### **16.333.000 INTENT**

The purpose of this chapter is to provide reasonable regulations for the development of accessory dwelling units on lots developed or proposed to be developed with a residential dwelling(s). Formerly referred to as "Accessory Second Units" in the Municipal Code, such accessory dwelling units (ADUs) contribute needed housing to the community's housing stock and promote housing opportunities for the persons wishing to reside in the City of Claremont. In addition, the regulations in this ordinance are intended to promote the goals and policies of the City's General Plan and comply with requirements codified in the state Planning and Zoning Law related to accessory

dwelling units in residential areas, including California Government Code Section 65852.2.

### **16.333.010 DEFINITIONS**

- A. "Accessory dwelling unit" means a residential dwelling unit that is detached from, attached to, or located within the living area of an existing primary dwelling unit, and that provides complete independent living facilities for one or more persons. An accessory dwelling unit also includes an efficiency unit, as defined in California Health and Safety Code Section 17958.1, and a manufactured home, as defined in section 18007.
- B. "Public transit" is defined, for the purposes of this chapter, as an existing rail transit station, or the intersection of two or more major bus routes with a frequency of service interval of fifteen (15) minutes or less during the morning and afternoon peak commute periods.
- C. "Architecturally and historically significant district," is defined, for the purposes of this chapter, as the areas having a zoning designation of Historic Claremont (HC) as established in Chapter 16.004 or Arbol Verde Single-Family Residential (AV1 & AV2) as established in Chapter 16.019, and shall also include individual properties listed on the California Register of Historic Resources and/or the National Register of Historic Places.
- D. "Car share vehicle area" is defined as a designated pick-up and drop-off area for two or more motor vehicles that are operated as part of a regional fleet by a public or private car sharing company or organization that provides hourly or daily car-sharing services.
- E. "Plate height" is defined as the vertical distance between the finished floor level and where the wall intersects with the roof or the floor joists of the story above.
- F. "Owner" is defined, for the purposes of this chapter, as the property owner on the latest equalized property tax assessment roll. If the owner is not a natural person or group of natural persons (e.g. the owner is a trust or corporation), then the owner(s) shall designate a natural person for the purpose of satisfying the owner occupancy requirements set forth in Section 16.333.060.C. The owner(s) designated natural person(s) shall reside on site, shall have authority to bind the owner in all matters related to the site, and shall not pay rent or other compensation to the owner."

### **16.333.020 EFFECT OF CONFORMING ACCESSORY DWELLING UNIT**

An accessory dwelling unit that conforms to this chapter shall:

- A. Be deemed an accessory use or an accessory building and not be considered to exceed the allowable density for the lot upon which it is located;
- B. Be deemed a residential use that is consistent with the General Plan and the zoning designations for the lot;

- C. Not be considered in the application of any ordinance, policy, or program to limit residential growth; and
- D. Not be considered a new residential use for the purposes of calculating connection fees or capacity charges for utilities, including water and sewer service.

### **16.333.030 APPLICABILITY**

- A. New Accessory Dwelling Units – Any construction, establishment, alteration, enlargement, or modification of an accessory dwelling unit shall comply with the requirements of this chapter, other development standards in this title applicable to the district in which the lot is located, and the City’s Building and Construction Codes set forth in Title 15.
- B. Legal Nonconforming Accessory Dwelling Units – All accessory dwelling units which were legal at the time of their creation but which do not conform to this chapter are deemed nonconforming and shall be subject to the provisions of Chapter 16.400 (Nonconformities).
- C. Existing Illegal Accessory Dwelling Units – The provisions of this chapter shall in no way validate any existing illegal accessory dwelling unit. An application may be made pursuant to this chapter to convert an illegal accessory dwelling unit to a legal conforming accessory dwelling unit, and shall be subject to the same standards and requirements as for a newly proposed accessory dwelling unit.
- D. Designation of Existing Primary Dwelling Unit to Accessory Dwelling Unit – An existing residential structure may be designated as an accessory dwelling unit at such time as a new primary dwelling unit is constructed, provided the existing structure conforms to all current development standards of this chapter and approval of an accessory dwelling unit permit is obtained.

### **16.333.040 PERMITTED SITES**

- A. Except as set forth in Subsection B below, one accessory dwelling unit that meets the requirements of this chapter may be located on a lot in any single-family or multi-family residential zone that includes a proposed or existing dwelling unit, and the lot has an area of at least 6,000 square feet.
- B. In the following specific plan areas, one accessory dwelling unit that meets the requirements of this chapter may be located on a lot that includes a proposed or existing dwelling if the lot meets the following minimum sizes:
  - 1. In Specific Plan #2 (Meadowood Specific Plan) – lot must be at least 16,900 square feet.
  - 2. In Specific Plan #5 (Williams Specific Plan) – No accessory dwelling units are permitted in this plan area because the density of the project area is significantly greater than that which was allowed under the area’s previous zoning.



3. In Specific Plan #6 (Claremont Hills Specific Plan):
  - (a) Residential Estate (RE) lots – lot must be at least 17,500 square feet.
  - (b) Residential Hillside (RH) lots – lot must be at least 15,000 square feet.
4. In Specific Plan #7 (The Grove) – No accessory dwelling units are permitted in this plan area because the density of the project area is greater than that which was allowed under the area’s previous zoning and is greater than that of the surrounding area.
5. Specific Plan #8 (Village Expansion):
  - (a) Residential Mixed Use (RMX) Zone – lot must be at least 6,000 square feet, and the lot shall contain no more than one single-family dwelling.
  - (b) Residential (R) Zone – No accessory dwelling units are permitted in this zone as the development approved in this zone has a density of fourteen (14) units to the acre which is among the highest in the City.
6. Specific Plan #9 (Old School House/Claremont Inn) - No accessory dwelling units are permitted in this plan area because the planned density of the project area is greater than that of the surrounding area.

#### **16.333.050 PERMIT PROCEDURES**

- A. Permits – With the exception of legal nonconforming accessory dwelling units described in Section 16.333.030.B above, all accessory dwelling units require an accessory dwelling unit permit. The applicant shall also obtain a building permit as required by the City’s Building and Construction Codes set forth in Title 15 and record a deed restriction as provided in Section 16.333.070.
- B. Application Processing.
  1. An application for an accessory dwelling unit permit shall be made on forms provided by the Department of Community Development and be submitted with any applicable fees. The application shall include all information needed to determine compliance with this chapter. The application fee shall be established by resolution of the City Council.
  2. In an effort to provide flexibility to applicants, the City may review applications for new accessory dwelling units that deviate from the development standards set forth in the following Sections: 16.333.040.A (Permitted Sites), 16.333.060.E.4 (Height), 16.333.060.E.6.a (Unit Size), and 16.333.060.E.8 (Architectural Design Standards). However, as set forth below, such applications shall be subject to discretionary review by the Architectural Commission and, in some instances, the Planning Commission as well. Notwithstanding this flexibility, the City shall not approve a

deviation from the development standard requiring a minimum setback of five (5) feet from the side and rear lot lines for an accessory dwelling unit constructed above a legally established existing garage.

- (a) Planning Commission Review – Applications for an accessory dwelling unit that deviate from the requirements set forth in any of the following Sections: 16.333.040.A (Permitted Sites), 16.333.060.E.4 (Height), and/or 16.333.060.E.6.a (Unit Size), shall be subject to discretionary review by the Planning Commission. No accessory dwelling unit permit shall be approved for applications submitted pursuant to this Paragraph B.2 until the Planning Commission finds, at a regularly scheduled public hearing, that the proposed accessory dwelling unit satisfies all of the required Conditional Use Permit (CUP) findings set forth in Section 16.303.040 as well as the supplemental findings set forth in Sections 16.333.050.B.2(a)(i) and 16.333.050.B.2(a)(ii) below.

Planning Commission review shall not be required for applications that deviate from the development standards set forth in Section 16.333.060.E.8 (Architectural Design Standards). Applications submitted pursuant to this Paragraph B.2(a) shall be subject to the application processing requirements in Section 16.333.050.B.1 and shall also be subject to the application submittal and procedural requirements in Sections 16.303.020 and 16.303.030.

Supplemental Findings –

- (i) If the accessory dwelling unit is proposed for a property located in a single-family residential neighborhood, the proposed accessory dwelling unit shall not result in an adverse impact to the single-family character of the neighborhood. The number of existing accessory dwelling units in the neighborhood shall be evaluated as a factor in determining potential adverse impact.
- (ii) The accessory dwelling unit retains or strengthens the existing architectural scale and character of the neighborhood.
- (b) Architectural Commission Review – All applications for an accessory dwelling unit that deviate from any development standard in Sections 16.333.040.A (Permitted Sites), 16.333.060.E.4 (Height), 16.333.060.E.6.a (Unit Size), and/or 16.333.060.E.8 (Architectural Design Standards) shall be subject to discretionary review by the Architectural Commission. No accessory dwelling unit permit shall be approved for applications submitted pursuant to this

Paragraph B.2 until the Architectural Commission finds, at a regularly scheduled public meeting, that the proposed accessory dwelling unit satisfies all of the discretionary architectural review criteria set forth in Section 16.300.060 (Architectural Review). Applications submitted pursuant to this Paragraph B.2(a) shall be subject to the application processing requirements in Section 16.333.050.B.1 and shall also be subject to the procedural requirements in Section 16.300.040.

- (c) Dual Review – All applications for an accessory dwelling unit permit submitted pursuant to this Section 16.333.050.B.2 that require review by both the Planning Commission and the Architectural Commission shall be reviewed by the Planning Commission first.

The Planning Commission shall review all deviations from Sections 16.333.040.A (Permitted Sites), 16.333.060.E.4 (Height), and 16.333.060.E.6.a (Unit Size). Approval of such deviations per this Section shall represent the maximum extent to which the accessory dwelling unit may be developed (i.e. square footage, height, and/or siting), but shall not represent final approval of those specific characteristics of the accessory dwelling unit.

Following Planning Commission approval, an application for an accessory dwelling unit permit shall also be submitted to the Architectural Commission for review and approval. Said application may be revised by the Architectural Commission within the maximum extent criteria approved by the Planning Commission in order for the Architectural Commission to find that it satisfies the architectural review criteria set forth in Section 16.333.060.

A revised accessory dwelling unit application may not exceed any of the maximum development standards previously reviewed and approved by the Planning Commission. Such a revised accessory dwelling unit application need not return to the Planning Commission for further review or approval.

3. Affordable Accessory Dwelling Units – In an effort to facilitate the development of accessory dwelling units that are available and affordable to a range of households with varying income levels, the City offers the following incentive to property owners who sign and record an accessory dwelling unit affordability covenant that meets the requirements set forth in Paragraph B.4 below:

- (a) An application for an accessory dwelling unit permit for an affordable accessory dwelling unit that complies with all applicable requirements of this chapter shall not be required to pay the Parkland Fee established by City Council

Ordinance 73-04, subsequently amended by City Council Ordinance 91-02, and as amended from time to time.

4. Accessory Dwelling Unit Affordability Covenant – Prior to the issuance of a building permit for an affordable accessory dwelling unit, the property owner shall record an accessory dwelling unit affordability covenant (or a substantially similar document acceptable to the City Attorney) against the title of the property in the Los Angeles County Recorder’s Office and the deed restriction as set forth in Section 16.333.070. The accessory dwelling unit affordability covenant shall provide that:
  - (a) The accessory dwelling unit may only be rented at a rate that does not exceed thirty percent (30%) of the annual gross household income for households that qualify as “Low Income Households,” as defined in Section 16.036.010 of this Title.
  - (b) The accessory dwelling unit affordability covenant runs with the land and may be enforced against future owners of the property.
  - (c) The term of the accessory dwelling unit affordability covenant is at least thirty (30) years from the date that the accessory dwelling unit affordability covenant is recorded in the Los Angeles County Recorder’s Office.
  - (d) Owners of the property for which an accessory dwelling unit affordability covenant is recorded must take reasonable steps to certify the income level of prospective occupants of the accessory dwelling unit, at the time of the initial rental, and annually thereafter. Upon request, owners must provide records to the City to demonstrate compliance with these affordability restrictions.
  - (e) Should any condition of the accessory dwelling unit affordability covenant be violated, the accessory dwelling unit permit may be revoked in accordance with the revocation procedures set forth in Section 16.333.050.C.5.
  - (f) The accessory dwelling unit affordability covenant shall not be amended or terminated without consent of the City.

C. Review

1. The Community Development Director or his or her designee will review and approve complete applications for accessory dwelling unit permits for compliance with the requirements of this chapter. Except as set forth in Section 16.333.050.B.2 above, the accessory dwelling unit permit application shall be considered ministerially without any discretionary review or a public hearing.
2. Except as set forth in Section 16.333.050.B.2 above, the Community Development Director or his or her designee shall approve an application within 120 days after receiving the application if the proposed accessory dwelling unit complies with

the requirements of this chapter. Prior to issuance of any building permits relating to the accessory dwelling unit, the applicant shall record the deed restriction described in Section 16.333.070, requiring the primary and accessory units to be used in compliance with Sections 16.333.060.C and 16.333.060.D.

3. While it is not necessary for the City to provide notice that it has received an application for an accessory dwelling unit permit to owners of surrounding properties, the City shall provide notice that it has approved an accessory dwelling unit permit to the applicant and, as a courtesy, to the owners of adjacent properties within five (5) days of the approval.
4. Except as otherwise provided in this chapter, the construction of an accessory dwelling unit shall be subject to any applicable fees adopted pursuant to the requirements of California Government Code, Title 7, Division 1, Chapter 5 (commencing with Section 66000) and Chapter 7 (commencing with Section 66012).
5. Revocation
  - (a) The Building Official or his or her designee may revoke an accessory dwelling unit permit if the accessory dwelling unit violates one or more requirements of this chapter. The Building Official or his or her designee shall provide written notice of the decision to revoke the accessory dwelling unit permit to the property owner by certified mail with return receipt requested.
  - (b) Within twenty-one (21) days of the deposit of the notice of the decision to revoke the accessory dwelling unit permit in the United States mail, the property owner and/or occupant may request a hearing before the Director of Community Development. If the City receives a timely request for a hearing in accordance with this Subsection C.5.b, the decision to revoke shall be stayed until the hearing is concluded and the Director has made his or her determination. If the City does not receive a request for a hearing within twenty-one (21) days, the revocation of the accessory dwelling unit permit shall be final.
  - (c) If, after a hearing, the Director of Community Development affirms the revocation of the accessory dwelling unit permit, the property owner and/or occupant may appeal the Director's decision to the Planning Commission in accordance with Chapter 16.321. If the City receives a timely request for a hearing in accordance with Chapter 16.321, the decision to revoke shall be stayed until the hearing is concluded and the Planning Commission has made its determination.
  - (d) If, after a hearing, the Planning Commission affirms the revocation of the accessory dwelling unit permit, the property

owner and/or occupant may appeal the Planning Commission's decision to the City Council in accordance with Chapter 16.321. If the City receives a timely request for a hearing in accordance with Chapter 16.321, the decision to revoke shall be stayed until the hearing is concluded and the City Council has made its determination. Such decision by the Council shall be final.

- (e) If an accessory dwelling unit permit is revoked, the property owner shall, within sixty (60) days, remove the kitchen facilities from the unit space, and shall not rent the unit except together with the primary residence to a single household.

### **16.333.060 DEVELOPMENT STANDARDS**

- A. An accessory dwelling unit shall include permanent provisions for living, sleeping, eating, and cooking and sanitation facilities separate from the primary dwelling unit on the same lot.
- B. The accessory dwelling unit shall be either attached to the proposed or existing primary dwelling unit and located, either in full or in part, within the existing floor area of the proposed or existing primary dwelling unit, or detached from the proposed or existing primary dwelling unit and located on the same lot as the proposed or existing primary dwelling unit. An accessory dwelling unit connected to a primary dwelling unit by only a breezeway shall be considered detached from the primary dwelling unit.
- C. The owner of the property for which an accessory dwelling unit permit is issued shall reside within either the primary dwelling unit or the accessory dwelling unit. The Community Development Director may approve an exception to this requirement for a period not to exceed fifteen (15) months at the property owner's request. Only one such exemption shall be granted within a 5-year time period.
- D. Neither the accessory dwelling unit nor the primary dwelling unit shall be rented for a period of less than thirty (30) days.
- E. Except as provided in Section 16.333.060.F, accessory dwelling units shall meet the following standards:
  - 1. Development on the Lot.
    - (a) A primary dwelling unit shall either exist on the lot or shall be constructed in conjunction with the accessory dwelling unit.
    - (b) The accessory dwelling unit shall be:
      - (i) Detached from the proposed or existing primary dwelling unit, but located on the same lot as the proposed or existing dwelling; or
      - (ii) Attached to the proposed or existing dwelling; or
      - (iii) Located within the living area of the proposed or existing dwelling.
    - (c) Only one accessory dwelling unit shall be allowed per lot.

- (d) The accessory dwelling unit shall not be sold separate from the primary residence nor shall it be used for short-term rentals of less than thirty (30) days.
2. Building and Construction.
- (a) An accessory dwelling unit shall include permanent provisions for living, sleeping, eating, cooking, and sanitation.
  - (b) The accessory dwelling unit shall be constructed on a permanent foundation.
  - (c) An accessory dwelling unit shall have fire sprinklers if the primary residence is also required to have fire sprinklers.
  - (d) An accessory dwelling unit shall be connected to the public sewer. However, a new utility connection directly to the public utility shall not be required for a detached accessory dwelling unit. Should a direct utility connection between the accessory dwelling unit and the public utility be necessary in order to provide service to the accessory dwelling unit, the connection shall be subject to a connection fee or capacity charge, or both, proportionate to the burden of the proposed unit, based on either its size or the number of its plumbing fixtures, upon the water or sewer system.
3. Parking.
- (a) The development of an accessory dwelling unit on a lot where the existing dwelling unit does not comply with current parking standards shall be subject to the requirements of Municipal Code Section 16.400.040.A.3.
  - (b) Except as provided in Section 16.333.060.E.3.d below, accessory dwelling units shall meet the following parking standards:
    - (i) At least one off-street parking space shall be provided for an accessory dwelling unit.
    - (ii) Parking spaces shall comply with Section 16.136.040.A, and be provided on the same lot as the accessory dwelling unit. A covered parking space is preferred but not required.
    - (iii) The parking space(s) for the accessory dwelling unit shall be in addition to the parking required for the primary residence.
  - (c) If parking is required:
    - (i) If uncovered, required parking spaces may be located in required setback areas and may be provided through tandem parking. Applicants are encouraged to provide required uncovered parking spaces outside of front and street-side setback areas, if possible. If covered, required parking spaces shall comply with

the setback requirements applicable to the subject property.

Parking arrangements pursuant to this Subsection E.3 may be prohibited if the Community Development Director makes a finding that such parking arrangements are not feasible based upon specific site or fire or life safety conditions, or that such arrangements are not permitted anywhere in the jurisdiction.

- (ii) When a garage, carport, or covered parking structure providing required parking for the primary residence is demolished in conjunction with the construction of an accessory dwelling unit, the replacement spaces may be located in any configuration on the same lot as the accessory dwelling unit, including, but not limited to, as covered spaces, uncovered spaces, or tandem spaces, or by the use of mechanical automobile parking lifts. If covered, replacement spaces shall comply with the setback requirements applicable to the subject property.
- (d) Parking standards shall not be imposed on an accessory dwelling unit in any of the following circumstances:
  - (i) The accessory dwelling unit is located within one-half mile of public transit.
  - (ii) The accessory dwelling unit is located within an architecturally and historically significant historic district.
  - (iii) The accessory dwelling unit is part of the existing primary residence or an existing accessory structure.
  - (iv) When there is a car share vehicle area located within one block of the accessory dwelling unit.
  - (v) When on-street parking permits are required but not offered to the occupant of the accessory dwelling unit

4. Height.

- (a) An accessory dwelling unit that is detached from the primary dwelling unit shall be limited to one (1) story, shall not exceed fifteen (15) feet in height or the building height of the primary dwelling unit, whichever is less, and shall not be constructed over a garage space.

Applications for an accessory dwelling unit with a building height in excess of fifteen (15) feet, but not more than the building height of the existing or proposed primary dwelling unit on the lot, shall be reviewed under the discretionary review process set forth in Section 16.333.050.B.2.



- (b) An accessory dwelling unit that is attached to the primary dwelling unit shall not exceed the height of the primary dwelling unit.
  - (c) The plate height of an accessory dwelling unit shall not exceed the plate height of the main dwelling unit.
5. Setbacks.
- (a) Except as provided in Section 16.333.060.E.5(b), and in Section 16.333.050.B.2 above, an accessory dwelling unit shall comply with the setback standards of the applicable zoning district.
  - (b) No setback shall be required for a legally established existing garage that is converted to an accessory dwelling unit.
6. Unit Size.
- (a) The floor area of any accessory dwelling unit shall not exceed fifty (50) percent of the existing floor area of the main residence, or the maximum square footage specified in the following table, whichever is less:

<b>Zoning District</b>	<b>Maximum Floor Area of ADU (square feet)</b>
HC 7,500	400
AV1 and AV2	400
RS 8,000	400
RS 10,000	500
RS 13,000	600
RS 20,000	700
RR 35,000	700
RM 2,000, 3,000 & 4,000	400

- Applications for an accessory dwelling unit with a floor area in excess of the maximums outlined in this Subsection E.6(a), but no more than eight hundred and fifty (850) square feet, regardless of the property's zoning designation, shall be reviewed under the discretionary review process set forth in Section 16.333.050.B.2.
- (b) The accessory dwelling unit shall contain no less than 250 square feet area.
  - (c) The accessory dwelling unit shall contain no more than two bedrooms.
  - (d) The floor area of an accessory dwelling unit shall be included in the floor area calculation for the primary dwelling unit as defined in Section 16.900.365.
7. Lot Coverage.
- (a) The accessory dwelling unit shall meet the lot coverage standards of the applicable zoning district.

8. Architectural Design Standards. Staff will apply the following standards in evaluating applications for an accessory dwelling unit:
  - (a) The color, material and texture of all building walls, window types, and door and window shall be substantially similar to the primary dwelling unit.
  - (b) The design, color, material, pitch, and texture of the roof shall be the same as that of the primary dwelling unit.
  - (c) The architectural style of the accessory dwelling unit shall be the same as that of the primary dwelling unit. If no architectural style can be identified, the design of the accessory dwelling unit shall be architecturally compatible with the primary dwelling unit.
  - (d) The design of the accessory dwelling unit shall maintain the scale and appearance of a single-family dwelling unit and shall not unduly interfere with or visually dominate the established development pattern of the surrounding neighborhood context.
  - (e) Exterior doors of the accessory dwelling unit shall not be oriented in the same direction as the primary exterior entrance of the primary dwelling unit when both would be visible from any public right-of-way, excluding alleys.  
Notwithstanding the above, on properties located at the intersection of two public streets, the exterior doors of the accessory dwelling unit shall not be oriented in the same direction as the primary exterior entrance of the primary dwelling unit but may be visible from a public right-of-way.
  - (f) The accessory dwelling unit shall be designed to preserve and/or retain on-site significant mature trees to the greatest extent possible. Removal of significant trees should be avoided, except where such trees have been determined by a licensed arborist to be of poor health or where retention is economically infeasible, as determined by the Director of Community Development.
  - (g) All windows and doors of the accessory dwelling unit shall be designed to minimize privacy impacts to adjacent properties. Minimizing privacy impacts may be achieved through window placement above interior eye level and/or horizontally offset to avoid direct alignment with windows on neighboring properties, and also through orienting windows and doors towards the primary dwelling unit.
  - (h) Enhanced landscaping and strategically located open space shall be provided to ensure privacy and screening of adjacent properties.
  - (i) When a garage, carport, or covered parking structure that is visible from any public right-of-way is converted or demolished in conjunction with the construction of an

accessory dwelling unit, the design shall incorporate features to match the scale, materials and landscaping of the primary dwelling unit that preserve the existing streetscape and character of the surrounding neighborhood.

- (j) The accessory dwelling unit shall not cause a substantial adverse change on any real property that is listed in the National Register of Historic Places, and/or California Register of Historic Places, and/or Register of Structures of Historic and Architectural Merit of the City of Claremont.

Applications for an accessory dwelling unit that proposes to deviate from the architectural design standards in this section shall be reviewed under the discretionary review process set forth in Section 16.333.050.B.2.

- F. An accessory dwelling unit is exempt from the requirements of Section 16.333.060.E if the unit meets all the requirements of this Subsection F.

- 1. The accessory dwelling unit:
  - (a) Is one accessory dwelling unit on a single-family lot located within a single-family residential zone;
  - (b) Is entirely contained within the existing floor area of an existing single-family residence or an existing accessory structure;
  - (c) Does not exceed the maximum permitted unit size as specified in Section 16.333.060.E.6;
  - (d) Does not reduce the size of the existing primary dwelling unit to less than the minimum floor areas specified in Section 16.001.040.G;
  - (e) Is larger than the minimum permitted unit size as specified in Section 16.333.060.E.6(b);
  - (f) Does not require alterations to the exterior of the existing residential structure;
  - (g) Has independent exterior access from the existing residence; and
  - (h) The side and rear setbacks are sufficient for fire safety.
- 2. If the requirements of Section 16.333.060.F.1 above are met, then the applicant:
  - (a) Is required to install fire sprinklers in the accessory dwelling unit if the primary dwelling unit is also required to have fire sprinklers;
  - (b) Shall record a deed restriction as provided in Section 16.333.070 and obtain a building permit as required by the City's Building and Construction Codes set forth in Title 15.

### **16.333.070 DEED RESTRICTION**

Prior to issuance of a building permit for an accessory dwelling unit on all properties excluding those in the Arbol Verde (AV1 and AV2) single-family residential districts, a

deed restriction shall be recorded against the title of the property in the Los Angeles County Recorder's Office and a copy shall be filed with the City Clerk. Said deed restriction shall run with the land, and shall bind all future owners, heirs, successors, or assigns. The form of the deed restriction shall be provided by the City and shall provide that:

- A. Neither the accessory dwelling unit nor the primary dwelling unit shall be sold separately.
- B. The owner of the property for which an accessory dwelling unit permit is issued shall reside within either the primary dwelling unit or the accessory dwelling unit.
- C. Neither the accessory dwelling unit, nor the primary dwelling unit shall be rented for a period of less than thirty (30) days.
- D. The unit is restricted to the approved size and attributes of this chapter.
- E. The deed restrictions run with the land and may be enforced against future owners of the property.
- F. The deed restrictions may be removed if the owner eliminates the accessory dwelling unit as evidenced by the removal of the kitchen facilities, bathroom facilities, or both.
- G. The deed restrictions shall be enforced by the Director of Community Development or his or her designee for the benefit of the City of Claremont. Failure of the property owner to comply with the deed restrictions may result in legal action against the property owner and the City shall be authorized to obtain any remedy available to it at law or equity, including but not limited to obtaining an injunction enjoining use of the accessory dwelling unit in violation of the recorded restrictions or abatement of the illegal unit.

### **16.333.080 ENFORCEMENT AND REMEDIES**

- A. Criminal Fines and Penalties – Any person responsible for violating any provision of this chapter is guilty of an infraction or a misdemeanor at the discretion of the City Attorney and/or district attorney. Upon conviction, the person shall be punished as prescribed in Chapter 1.12.
- B. Administrative Fines and Penalties – Whenever an officer charged with the enforcement of any provision of this Municipal Code determines that a violation of this chapter has occurred, the officer shall have the authority to issue an administrative citation to any person responsible for the violation in accordance with Chapter 1.14.
- C. Public Nuisance and Lien on Property – Any use or condition caused, or permitted to exist, in violation of any provision of this chapter shall be, and is hereby declared to be, a public nuisance and may be summarily abated by the City pursuant to California Code of Civil Procedure Section 731 or any other remedy available at law. In accordance with Chapter 1.15, the City may also collect any fee, cost, or charge incurred in the abatement of such nuisance by making the amount of any unpaid fee, cost or charge a lien against the property that is the subject of the enforcement activity.

- D. Civil Action – In addition to any other enforcement permitted by the City's Zoning and/or Municipal Codes, the City Attorney may bring a civil action for injunctive relief and civil penalties against any person who violates any provision of this chapter. In any civil action that is brought pursuant to this chapter, a court of competent jurisdiction may award civil penalties and costs to the prevailing party.
- E. Permit Revocation – Any violation of this chapter may result in revocation of an accessory dwelling unit permit in accordance with Section 16.333.050.C.5 above.

Use of any one or more of these remedies shall be at the sole discretion of the City and nothing in this Section shall prevent the City from initiating civil, criminal or other legal or equitable proceedings as an alternative to any of the proceedings set forth above.

**SECTION 4. Severability** If any section, subsection, subdivision, sentence, clause, phrase, or portion of this Ordinance for any reason is held to be invalid or unconstitutional by the decision of any court of competent jurisdiction, such decision shall not affect the validity of the remaining portions of this Ordinance. The City Council hereby declares that it would have adopted this Ordinance, and each section, subsection, subdivision, sentence, clause, phrase, or portion thereof, irrespective of the fact that any one or more sections, subsections, subdivisions, sentences, clauses, phrases, or portions thereof be declared invalid or unconstitutional.

**SECTION 5. Publication** The Mayor shall sign this Ordinance and the City Clerk shall attest and certify to the passage and adoption of it, and within fifteen (15) days, publish a summary of the ordinance in the Claremont Courier, a semi-weekly newspaper of general circulation, printed, published, and circulated in the City of Claremont and thirty (30) days thereafter it shall take effect and be in force.

**SECTION 6. Effective Date** This ordinance shall take effect and be in force thirty (30) days after its adoption.

**PASSED, APPROVED and ADOPTED** this 22<sup>nd</sup> day of January, 2019.

\_\_\_\_\_  
Mayor, City of Claremont

ATTEST:

\_\_\_\_\_  
City Clerk, City of Claremont

APPROVED AS TO FORM:

  
\_\_\_\_\_

City Attorney

**Chapter 16.333****ACCESSORY SECOND UNITS****Sections:**

- 16.333.000 Intent**
- 16.333.010 Applicability**
- 16.333.020 Permitted Sites**
- 16.333.030 Accessory Second Unit Requirements**
- 16.333.040 Setbacks, Lot Coverage, and Floor Area Restrictions**
- 16.333.050 Height Restrictions**
- 16.333.060 Architectural Design Standards**
- 16.333.070 Parking and Driveway Provisions**
- 16.333.080 Permit Requirement**

**16.333.000 INTENT**

The intent of this chapter is to provide for the creation of accessory second units in the City's single-family and multiple-family residential districts, in accordance with Government Code Section 65852.2. This chapter prescribes standards for such second units to minimize adverse impacts on the public health, safety, and general welfare from the establishment of the second units.

Approval of an accessory second unit permit pursuant to this chapter is a ministerial action not subject to discretionary review.

An accessory second unit which conforms to these requirements shall not be considered to exceed the allowable density for the lot upon which it is located, and shall be deemed to be a residential use consistent with the Claremont General Plan and zoning designation for the lot. (08-05)

**16.333.010 APPLICABILITY****A. New Accessory Second Units**

Any construction, establishment, alteration, enlargement, or modification of an accessory second unit shall comply with the requirements of this chapter, other development standards in this title applicable to the district in which the lot is located, and the City's Building Code.

**B. Nonconforming Second Units**

All accessory second units which were legally constructed or initiated but which do not conform to this chapter are deemed nonconforming and shall be subject to the provisions of Chapter 16.400, Nonconformities, except as otherwise specified in Chapter 16.004, Historical Claremont District.

**C. Existing Illegal Second Units**

The provisions of this chapter shall in no way validate any existing illegal second unit. An application may be made pursuant to this chapter to convert an illegal second unit to a legal conforming accessory second unit, and shall be subject to the same standards and requirements as for a newly proposed accessory second unit.

**D. Designation of Existing Primary Unit to Accessory Second Unit**

An existing residential structure may be designated as an accessory second unit at such time as a new primary dwelling unit is constructed, provided the existing structure conforms to all the development of this chapter.

**E. Conflicting Provisions in Specific Plans and General Development Plans**

The provisions of this chapter shall supersede any standard or regulation in a specific plan or residential unit development plan adopted or approved by the City prior to the effective date of the ordinance codified in this chapter. (08-05)

**16.333.020 PERMITTED SITES**

One accessory second unit may be allowed on a residentially zoned lot provided the lot contains no more than one existing single-family dwelling and the residential lot meets the following criteria:

- A. In the RS (8,000) Single-Family Residential District, the lot must meet the following criteria:
  - 1. The lot has direct vehicular access to and frontage upon an improved public alley in addition to a public street; and
  - 2. The lot meets one of the following additional criteria:
    - a. The lot is located at the intersection of two or more streets, and such streets are not arterial or collector streets from which there is no residential access; or
    - b. The lot size is 12,000 square feet or greater.
- B. In the RS (10,000), RS (13,000) and RS (20,000) Single-Family Residential Districts, the lot shall meet one of the following criteria:
  - 1. The lot has direct vehicular access to and frontage upon an improved public alley in addition to a public street; or
  - 2. The lot is located at the intersection of two or more streets, and such streets are not arterial or collector streets from which there is no residential access; or
  - 3. The lot size is as follows:
    - a. In RS (10,000) District – 14,000 square feet or greater.
    - b. In RS (13,000) District – 16,900 square feet or greater.
    - c. In RS (20,000) District – 26,000 square feet or greater.
- C. In the RR Rural Residential Districts, the lot size shall be as follows:
  - 1. In the RR (35,000) District – 35,000 square feet or greater.
  - 2. In the RR (1.0 acre) District – One (1) acre or greater.
- D. In the H Hillside District, the minimum lot size is 15,000 square feet.
- E. In the RM Medium Density Districts, the lot shall be as follows:
  - 1. RM 4000 – 7000 square feet or greater.
  - 2. RM 3000 – 6500 square feet or greater.
  - 3. RM 2000 – 6000 square feet or greater.
- F. In the HC Historical Claremont District, the lot size shall be 12,000 square feet or greater, and shall contain no more than one dwelling unit.



- G. In the AV Arbol Verde Districts, the lot shall meet one of the following criteria:
1. The lot is located at the intersection of two or more streets, and such streets are not arterial or collector streets from which there is no residential access; or
  2. The lot size is 11,250 square feet or greater.
- H. In specific plan areas, the lot size shall be as follows:
1. In Specific Plan #2 (Meadowood Specific Plan) – 16,900 square feet or greater.
  2. In Specific Plan #5 (Williams Specific Plan) – No second units are permitted in this plan area because the density of the project area is significantly greater than that which was allowed under the area's previous zoning.
  3. In Specific Plan #6 (Claremont Hills Specific Plan):
    - a. Residential Estate (RE) lots – 17,500 square feet or greater.
    - b. Residential Hillside (RH) lots – 15,000 square feet or greater.
  4. In Specific Plan #7 (The Grove) – No second units are permitted in this plan area because the density of the project area is greater than that which was allowed under the area's previous zoning and is greater than that of the surrounding area.
  5. In Specific Plan #8 (Village Expansion):
    - a. Residential Mixed Use (RMX) Zone – The lot shall be 6,000 square feet or greater, and shall contain no more than one single-family dwelling.
    - b. Residential (R) Zone – No accessory second units are permitted in this zone as the development approved in this zone has a density of 14 units to the acre which is among the highest in the City. (08-05)

#### **16.333.030 ACCESSORY SECOND UNIT REQUIREMENTS**

- A. An accessory second unit shall include permanent provisions for living, sleeping, eating, cooking, and sanitation separate from the primary dwelling unit on the same lot. The accessory second unit shall not be intended or offered for sale separately from the primary dwelling unit.
- B. The accessory second unit shall be either attached to the existing dwelling unit and located within the living area of the existing dwelling, or detached from the existing dwelling and located on the same lot as the existing dwelling. A second unit connected to a primary dwelling unit by only a breezeway shall be considered detached from the primary unit.
- C. An accessory second unit shall be constructed on a permanent foundation and connected to the public sewer.
- D. The following additional requirements shall apply to accessory second units in all residential districts except the AV Arbol Verde Single-Family Residential Districts:
1. The owner of the accessory second unit shall live within the primary dwelling unit or the accessory second unit, and may rent the other unit. The two units shall not be concurrently rented, excepting upon request from the property owner, the Director may grant the owner a temporary exception to the occupancy requirement for a period not to exceed 15 months.

2. Prior to issuance of a building permit for the accessory second unit, the owner shall demonstrate to the City that he or she meets this occupancy requirement, and record a deed restriction on the property prohibiting the rental or lease of both units at the same time.
3. An accessory second unit shall not be metered separately from the primary dwelling unit for gas, electricity, and water. (12-07; 08-05)

#### **16.333.040 SETBACKS, LOT COVERAGE, AND FLOOR AREA RESTRICTIONS**

- A. An accessory second unit shall conform to all required setback requirements of the district in which the lot is located.
- B. All development on the lot shall conform to lot coverage standards of the district in which the lot is located.
- C. The floor area of an accessory unit shall not exceed 700 square feet, nor be less than 400 square feet pursuant to the definition of efficiency unit as set forth in Chapter 16.900.
- D. The unit shall not include more than two bedrooms.
- E. The floor area of an attached accessory second unit shall be included in the floor area calculation of the primary dwelling unit. (08-05)

#### **16.333.050 HEIGHT RESTRICTIONS**

##### **A. Detached Accessory Second Units**

An accessory second unit detached from the primary dwelling unit shall be limited to one story, shall not exceed 15 feet in height or the height of the primary unit, and shall not be constructed over a garage space.

##### **B. Attached Accessory Second Units**

An accessory second unit attached to the primary unit shall not exceed the height of the primary dwelling unit. (08-05)

#### **16.333.060 ARCHITECTURAL DESIGN STANDARDS**

- A. The accessory second unit shall be of the same or substantial the same architectural style of the primary dwelling unit.
- B. All exterior surfaces, roofing, windows, light fixtures, and other architectural details of the accessory second unit shall be of the same style, materials, colors, and quality as used for the primary dwelling unit, although a proposed higher quality material shall be allowed.
- C. The accessory second unit shall be provided with an entrance separate from that of the primary dwelling and pedestrian access shall be provided to the entrance from a public street or alley.
- D. The entrance to the accessory second unit shall not be oriented to the street or otherwise alter the single-family appearance of the property from the street.

- E. All second unit proposals shall include landscaping plans, and the landscaping shall be installed within 90 days after the final inspection of the second unit by the City's Building Division. (08-05)

#### **16.333.070 PARKING AND DRIVEWAY PROVISIONS**

- A. No accessory second unit may be permitted on a lot where the required parking for the existing dwelling unit has not been met.
- B. One off-street parking space shall be required for the accessory second unit. Such parking space shall be nine feet wide and 20 feet long, and be provided on the same lot as the second unit. A covered parking space is preferred but not required. The parking space for the second unit shall be in addition to the parking required for the primary residence.
- C. No additional driveway approaches from public streets shall be permitted for the parking for accessory second units. Access to the parking can be provided from an alley.
- D. The required parking space for the accessory second unit may be located in rear or non-street side setbacks or through tandem parking on existing driveways, but such space shall not interfere with access to the required parking for the primary residence. (08-05)

#### **16.333.080 PERMIT REQUIREMENT**

##### **A. Filing**

Any new accessory second unit shall require approval of an accessory second unit permit. The application for such permit shall be made on forms provided by the Department of Community Development together with any applicable fees. The application shall include all information needed to determine compliance with this chapter. The application fee shall be established by resolution of the City Council.

##### **B. Application Screening**

Upon receipt of an application for an accessory second unit, staff shall review the application, inform the applicant as to the completeness of the submittal and of any additional information materials required, if any.

##### **C. Noticing of Application**

Pursuant to Government Code Section 65852.2, notice of an application for an accessory second unit shall not be given to owners of surrounding properties.

##### **D. Action on Application**

1. Staff shall approve a completed application if the proposed accessory second unit complies with the requirements of this chapter. As a condition of the permit, the applicant shall record a deed restriction on the property limiting the rental or lease of both units in compliance with Section 16.333.030.C and D.
2. Staff shall deny an application for an accessory second unit if the proposed second unit is not in compliance with all requirements of this chapter.
3. Within five days of its decision on the application, staff shall give notice of the decision to the applicant and, as a courtesy, to the owners of adjacent properties.

**E. Permit "Runs With the Land"**

An accessory second unit permit that was granted pursuant to this section, and is valid and in effect, shall continue to be valid upon change of ownership of the property, provided the new property owner meets the occupancy requirement of Section 16.333.030.C.

**F. Permit Revocation**

The Director of Community Development shall have the right to revoke the permit granted under this chapter if the accessory second unit for which the permit was granted violates one or more requirements of this chapter, or the property owner no longer meets the occupancy requirements of Section 16.333.030.C. The Director shall give notice of permit revocation to the property owner.

If a permit for an accessory second unit is revoked, the owner shall remove the kitchen facilities from the unit space, and shall not rent the unit space except together with the primary residence to a single household.

**G. Any person aggrieved by a decision of the Director or staff on an application for or revocation of an accessory second unit permit may appeal such action pursuant to Chapter 16.321, Appeals and Council Review. (08-05)**



# Claremont City Council

## Agenda Report

**File #:** 2721

**Item No:** 11.

**TO:** TARA SCHULTZ, CITY MANAGER

**FROM:** BRAD JOHNSON, COMMUNITY DEVELOPMENT DIRECTOR

**DATE:** JANUARY 22, 2019

**Reviewed by:**

City Manager: TS

Finance Director: AP

### **SUBJECT:**

**PROPOSED AMENDMENT TO THE CLAREMONT MUNICIPAL CODE PERTAINING TO ACCESSORY DWELLING UNITS (ADUS) (#17-CA01). CITY-INITIATED**

### **SUMMARY**

The City has initiated amendments to the Claremont Municipal Code pertaining to Accessory Dwelling Units (ADUs) in response to changes in State law aimed at spurring the increased production of ADUs. The proposed code amendment would repeal the entire Claremont Municipal Code (CMC) Chapter 16.333 - Accessory Second Units and replace it with the revised CMC Chapter 16.333 - Accessory Dwelling Units. The draft City Council ordinance approving the proposed code amendment is provided as Attachment A.

The proposed code amendment would change how ADUs are regulated in Claremont in terms of where they are permitted, allowing for ADUs on more of the City's residential properties, while revising regulations pertaining to their sizes, setback requirements, parking requirements, architectural design standards, and their heights. The proposed code amendment, which is the product of significant consultation with and review by the City's Planning and Architectural Commissions, would provide for a ministerial review process for ADU applications, as required by State law. It also provides for a discretionary review process where ADU proposals that deviate from development standards and/or architectural review standards for ADUs are subject to review by either the Planning Commission, Architectural Commission, or both. Additionally, the draft ordinance provides an incentive for property owners to commit to renting an ADU at a rental level affordable to Very Low Income and Low Income tenants over a thirty-year period.

The proposed code amendment responds to and complies with changing State laws to permit the development of ADUs on more of the City's residential properties, while putting in place detailed development standards to help ensure that new ADUs are well integrated into and compatible with the City's urban fabric. In creating dual approval processes, the City's regulations for ADUs will

comply with recently changed State laws regulating ADUs to facilitate their increased production in a manner that does not detract from, but rather enhances the City's sense of place and high quality of life.

## **RECOMMENDATION**

Staff recommends that the City Council introduce AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF CLAREMONT, AMENDING EXISTING MUNICIPAL CODE CHAPTER 16.333, CURRENTLY ENTITLED "ACCESSORY SECOND UNITS" (#17-CA01)

## **ALTERNATIVE TO RECOMMENDATION**

In addition to the recommendation, there is the following alternative:

- Continue the item, request additional information, and instruct staff to revise the ordinance before it is considered again by the City Council.

## **FINANCIAL REVIEW**

The cost to prepare and review the proposed code amendment pertaining to ADUs is estimated at \$7,000, and is included in the operating budget of the Community Development Department.

## **BACKGROUND**

Accessory Dwelling Units, or "ADUs", are secondary, independent living facilities located on a property with an existing residential unit or units. ADUs are commonly referred to as "granny flats" or "in-law" units. The CMC refers to them as "Accessory Second Units." In September 2016 Governor Brown signed three legislative bills (Senate Bill 1069, and Assembly Bills 2299 and 2406) that amended Government Code Section 65852.2, which regulates ADUs. The intent of the three bills is to spur the increased production of ADUs.

Follow-up legislation passed in 2017 (SB 229 and AB 494) clarified certain changes in the Government Code made through the first round of legislation. The bills were passed to address the housing crisis affecting communities across Southern California and the State as a whole, where there exists a substantially higher demand for housing than can be met by the existing supply. In turn, housing affordability is affected, impacting both homeowners and renters. State law seeks to address this crisis of housing supply and affordability by spurring the development of ADUs by requiring local agencies to remove regulatory, physical, and financial barriers to constructing secondary living units.

Revised State regulations require local agencies to revise and ease restrictions on ADUs and provide more flexibility in development standards for ADUs, including but not limited to permitted sites for ADUs, ADU sizes, setbacks, parking requirements, conversions of garages into ADUs, fire sprinkler requirements, utility connection requirements and development impact fees.

Claremont's current requirements for "Accessory Second Units," are contained in CMC Chapter 16.333 provided as Attachment B to this report. Claremont's current requirements were put in place in 2003 also as a result of changes in State law that intended to encourage the increased production of ADUs. At the time, the City was required to make the review and approval process for ADUs a "ministerial" one, prohibiting the discretionary review or the holding of a public hearing for proposals for ADUs.

The currently applicable regulations for ADUs that were put in place in 2003 differ considerably from the State’s requirements made law through the aforementioned legislation in 2016 and 2017. Table 1 below compares the CMC’s existing regulations for ADUs against the State’s requirements, showing several topic areas where current Code requirements do not comply with the State’s legal requirements and need to be revised as part of this code amendment.

It is important to note that while State law limits local agencies from enacting and enforcing restrictions that excessively burden the construction of ADUs, it does allow local agencies to maintain discretion over certain development standards and provisions. By maintaining some discretion over how ADUs are regulated, the City can help ensure that new ADUs are well integrated into, and compatible with, its existing neighborhoods. Local agencies may adopt standards that are less stringent than those prescribed by the State, but may not adopt more stringent standards that would inhibit the construction of ADUs, except in areas where State law allows them to maintain discretion.

**Table 1. Summary of Differences Between Current CMC Requirements and State Law**

	Claremont Municipal Code	State law
<b>Review Process:</b>	Ministerial (not discretionary)	Ministerial (not discretionary)
<b>Dwelling Unit Size:</b>	- Maximum: 700 square feet - Minimum: 400 square feet (May be attached to a single-family residence or a detached accessory structure)	Maximum: If attached, shall not exceed 50% of primary dwelling living area or 1,200 square feet. If detached, ADUs may be no larger than 1,200 square feet. Minimum: 150 square feet (May be attached to a single-family residence or a detached accessory structure)
<b>Lot Development:</b>	Restricted to one ADU per lot	More than one ADU per lot may be permitted
<b>Permitted Sites:</b>	If zoned RS, properties must satisfy certain criteria in the City’s RS zones pertaining to lot size, location at the intersection of two streets, or having alley frontage. If zoned RM, the subject property must have a certain minimum lot area. Properties zoned RR may have an ADU so long as the property has the minimum lot area for that zone.	All single-family and multifamily residential properties having an existing or proposed residential unit on them. (Unless findings are made relating to inadequacy of water and sewer services, and/or adverse impacts on traffic flow and safety).

<p><b>Setback Requirements:</b></p>	<p>ADUs are subject to setback requirements of the underlying zone.</p>	<p>Second units are subject to existing setback requirements of the underlying zone except that no setback shall be required for an existing garage/accessory structure converted to an ADU, and a setback of no more than five feet from side and rear property lines shall be required for an ADU built over an existing garage).</p>
<p><b>Parking requirements:</b></p>	<p>One parking space per ADU.</p>	<p>No more than one parking space per unit or ADU bedroom may be required. Parking may not be required for ADUs located: - within a half-mile of public transit (as defined by the City) - within "an architecturally or historically significant district" (as defined by the City) - entirely within the footprint of an existing primary residence or accessory structure - within one block of a "car share vehicle" (as defined by the City)</p>



<b>Parking standards:</b>	Parking for the ADU may be covered, uncovered or through tandem parking as long as tandem parking does not interfere with access to required parking. Parking may be provided in side- or rear-yard setback areas, but not in front or street-side setback areas. Replacement parking spaces in instances where an existing garage providing required parking for a main residence is converted to an ADU must comply CMC requirements for required parking (i.e. covered and outside of setback areas)	Cities are required to be flexible in accommodating parking required for ADU's including tandem parking on an existing driveway. Parking must be permitted in setback areas or through tandem parking unless specific findings are made that such parking is not feasible based on site-specific, regional topographical, or fire, life and safety conditions. Cities may require that replacement spaces be provided when garages are converted to ADUs. However, the follow-up 2017 legislation requires that replacement spaces may be located in any configuration on the lot including, but not limited to, as covered spaces, uncovered spaces, or tandem spaces, or by the use of mechanical automobile lifts.
<b>Height:</b>	Detached ADU may only be one-story. Attached ADU may not exceed the height of the existing residence.	Cities may regulate the height of ADUs.
<b>Lot Coverage:</b>	ADUs subject to lot coverage requirements of the underlying zone.	Cities may set lot coverage standards for ADUs.
<b>Occupancy Requirements and Rentals:</b>	The owner of the property must reside in either the main residence or ADU while the other is being rented out (excluding the Arbol Verde zoning district). The rental of both units may be permitted for a period not to exceed 15 months with approval from the Community Development Director. Short term rentals of ADUs are not explicitly prohibited in CMC Chapter 16.333.	Cities may enforce owner-occupant requirement and may prohibit short-term rentals of ADUs

<b>Architectural Design Criteria:</b>	The design of ADUs must comply with five Architectural Design Standards listed in CMC Section 16.333.060. These current standards are ministerial.	Cities may regulate ADU architecture (however, the ADU review and approval process must be ministerial, not discretionary)
<b>Landscaping:</b>	Landscape plans must accompany ADU proposals and landscaping must be installed within 90 days after the City's final inspection of the ADU.	Cities may require and regulate ADU landscaping.

With Table 1 serving as an introduction to the differences between current CMC requirements and new State requirements, the Analysis section below describes how the proposed code amendment addresses the following topic areas where State law allows the City to maintain discretion: location criteria for permitted sites for ADUs, maximum and minimum ADU size, ADU height, lot coverage, architectural design standards for ADUs and owner occupancy and rental requirements for ADUs, as well as those such as parking, where State law leaves cities with less flexibility.

The Analysis section also describes how the proposed code amendment sets forth a straightforward ministerial review process for ADU applications, as well as an alternative discretionary review process for applicants that wish to employ creativity in an ADU's design and deviate from certain development standards and/or the architectural design standards.

*Planning and Architectural Commission Review*

The proposed code amendment is the product of considerable review and discussion by the City's Planning and Architectural Commissions. On February 20, 2018, staff held a first study session with both Commissions where staff introduced the topic and the changes the City would be required to make as a result of State legislation. At the February 20 study session, the Commissions formed two sub-committees consisting of three members of each Commission. Planning Division staff held two meetings with the Planning Commission's sub-committee and one with Architectural Commission's sub-committee in the March 2018 where the groups focused on the various topic areas to produce recommendations that could be incorporated into a draft ordinance that complied with State law.

On June 18, 2018, the City held a second study session with both Commissions where a first draft revised CMC Chapter 16.333 that incorporated the sub-committees' recommendations was reviewed and discussed. The Commissioners made further recommendations at the June 18 study session that were incorporated into a draft ordinance that went before the Planning Commission, as the recommending body for code amendments, at one of their regularly scheduled public hearings on October 2, 2018.

On October 2, the Planning Commission reviewed the draft ordinance and generally expressed support for the revised regulations for ADUs, but ultimately voted to continue the item, instructing staff to make certain minor changes pertaining primarily to the alternative discretionary review process for ADUs. The draft ordinance was brought back to the Planning Commission on October 16, 2018, where the Commission voted unanimously to recommend approval of the draft ordinance to the City Council.

## ANALYSIS

The draft ordinance represents a considerable change to how ADUs are regulated in the City. The draft ordinance responds to regulatory changes at the State level to allow ADUs on many more of the City's residential properties while adjusting downwards the maximum permitted floor area for ADUs in most of the City's residential zones, and also putting stronger, more specific architectural design standards for ADUs in place.

In compliance with State laws, the draft ordinance provides for a ministerial review and approval process for ADU applications. It also provides an alternative, more rigorous discretionary approval process that allows applicants room for creativity and ingenuity in the design and development of an ADU. Staff believes that new ADUs that satisfy the ministerial standards in the draft ordinance will be compatible and consistent with the City's built environment in terms of their appearance, scale, location on residential and impacts to neighborhoods. At the same time, staff and the two Commissions found it appropriate to accommodate applicants who may wish to exercise creativity and deviate from the ministerial development standards and prescriptive architectural design standards for ADUs, subjecting such applications to a higher level of review requiring the input and approval of the Architectural Commission, the Planning Commission, or both.

The Analysis of this report provides a topic-by-topic overview of the proposed ministerial standards for ADUs and the extent to which the draft ordinance provides for deviation from certain ministerial standards under the alternative discretionary review process.

### Permitted Sites and Lot Development

State law requires that local agencies expand which residential properties are eligible to have an ADU. Any limitations imposed on which properties could have an ADU must be grounded in findings pertaining to impacts to traffic, public safety, and the adequacy of water and sewer services. Current CMC regulations limit which single-family residential properties are eligible to have an ADU based on criteria for the size of the property, and/or its location at the intersection of two streets, as well as whether or not the property has access to a public alley. These location criteria do not comply with State law.

Like current Code requirements, the proposed ordinance would permit only one ADU per residential lot. However, the proposed ordinance would permit one ADU on all of the City's residential lots having a size of at least 6,000-square feet under the ministerial ADU approval process. ADUs proposed for properties smaller than 6,000-square feet would be subject to review in the alternative, discretionary review process. The draft ordinance recognizes that the development of ADUs on the City's smallest lots has greater potential to conflict with a number of development standards that are established for the protection of the public health, safety and welfare, warranting an enhanced level of review.

### Accessory Dwelling Unit Size, Number of Bedrooms and Maximum Permitted Floor Area

State law allows for ADUs that are considerably larger than the 700-square feet currently permitted for ADUs in the CMC. Specifically, State law allows for attached ADUs to be as large as 50% of the living area of the main residence, or 1,200-square feet, whichever is less. State law does not, however, require local agencies to permit ADUs as large as 1,200-square feet.

The draft ordinance proposes a sliding scale approach wherein the maximum permitted size of an ADU relates to the size of the property by tying maximum ADU size to the zoning designation of the property. While a range of property sizes exists in any given zoning district, staff and the

Commissions agreed that it is more practical and user-friendly for applicants and staff to tie the maximum permitted size of an ADU to the zoning designation of the property for which it is proposed rather than its lot size. Doing so also provides for consistency in the size of ADUs at the neighborhood level.

**Table 2. Proposed Maximum Permitted ADU Size by Zone**

Zoning District	Maximum ADU Floor Area (square feet)
HC 7,500	400
AV1 and AV2	400
RS 8,000	400
RS 10,000	500
RS 13,000	600
RS 20,000	700
RR 35,000	700
RM 2,000, 3,000 & 4,000	400

The Commissions found that ADUs having these sizes could be easily accommodated on properties in a manner that complies with all applicable development standards. Additionally, limiting the sizes of ADUs to these maximums would ensure a dominant/subservient relationship between the primary dwelling unit and the ADU, especially since a property’s maximum permitted floor area is based on its size. Since larger residential properties are permitted to, and often do have larger primary residences, it makes sense to allow larger ADUs on the City’s larger residential properties.

Maximum square footages for ADUs permitted in the ministerial review process are set forth in Section 16.333.060.E.6 of the draft revised CMC Chapter 16.333. Other provisions of that section include a minimum ADU size requirement of 250-square feet. Additionally, this section requires that the area of both detached and attached floor area be counted towards a property’s overall maximum permitted floor area for the primary dwelling unit as to avoid overdevelopment on a lot in adding an ADU.

Finally, the draft ordinance requires that ADUs created, in full or in part, through the conversion of existing floor area shall not result in a total floor area of the main residence that is less than the minimum required floor area for the given zone.

While the above maximum permitted sizes for ADUs work downwards from the currently-permitted maximum permitted ADU size of 700-square feet, the proposed ordinance would also permit for an ADU to have a maximum square footage of 850-square feet, granted all other development standards are met, under the discretionary approval process.

Height

Given that a two-story ADU has a greater potential to introduce new privacy impacts to neighboring properties, and that accessory structures are otherwise limited to one story in height throughout the city, the draft ordinance limits the height of detached ADUs to one story under the ministerial approval process. An ADU attached to the main residence would not be permitted to exceed the height of the existing residence. Height standards are set forth in Section 16.333.060.E.4 of the draft ordinance.

The draft ordinance, however, does not entirely preclude the development of two-story ADUs or

ADUs constructed over a garage. Applications for a two-story ADU, or an ADU over a garage, are subject to the alternative discretionary review process. In no case would the height of the ADU be permitted to exceed the height of the primary dwelling unit on the property. The more stringent discretionary review would help ensure that privacy impacts and other neighborhood compatibility issues resulting from the construction of the ADU be mitigated or eliminated entirely.

### Lot Coverage and Setbacks

The draft ordinance counts the building footprints of ADUs, whether attached or detached, towards a property's overall maximum allowable lot coverage. Similarly, the development of ADUs would be subject to the setback requirements that are otherwise applicable to development on the lot, with one exception required by State law. In instances where the construction of an ADU over an existing garage is permitted in the discretionary approval process, a setback of no-more than five-feet from side and rear property lines may be required. Throughout the code amendment process to date, staff and the Commissions found it appropriate to use existing mechanisms in the CMC that regulate the intensity and density of residential development such as maximum permitted lot coverage and maximum permitted floor area to regulate ADUs as they are allowed to be built on more of the City's residential properties.

### Parking

State law leaves local agencies relatively little flexibility in how parking for ADUs is regulated. As noted in Table 1, State law prohibits that any parking be required for ADUs in a number of instances. Local agencies may not require parking for an ADU if the subject property is:

- within a half-mile of public transit (as defined by the City)
- within "an architecturally or historically significant district" (as defined by the City)
- entirely within the footprint of an existing primary residence or accessory structure
- within one block of a "car share vehicle" (as defined by the City)

State law allows local agencies to define the terms "public transit," "architecturally and historically significant district," and "car share vehicle" inasmuch as they apply to ADUs. The following definition of public transit is proposed in the draft ordinance:

*"Public transit" is defined, for the purposes of this chapter, as an existing rail transit station, or the intersection of two or more major bus routes with a frequency of service interval of 15 minutes or less during the morning and afternoon peak commute periods.*

Two of the City's transit hubs satisfy the above definition: Claremont Transit Center and Claremont Metrolink stop on First Street, as well as the intersection of Indian Hill Boulevard and Foothill Boulevard. No parking may be required for ADUs on properties within a half-mile of these locations. Staff believes that it is appropriate to define "architectural and historically significant district" as the Historic Claremont (HC) and Arbol Verde (AV) zoning districts in order to be consistent with State law. The City's two historic zoning designations overlap significantly with the areas exempt from parking requirements due to their proximity to public transit.

State law prevents local agencies from restricting parking for ADUs from being located in front or street-side setback areas unless specific findings are made that such parking arrangements are "not feasible" based on site-specific or regional topographical or fire and life safety conditions. Tandem parking must also be permitted on this same basis. Similarly, if an existing garage or carport that provides the CMC-required parking for the primary dwelling unit is converted into, or demolished to make way for an ADU, the City cannot require that replacement parking spaces be provided. In short,

State laws allow for a situation where a property is developed with a primary dwelling unit and an ADU with no covered parking facilities on the lot.

In discussing these State-required changes to parking regulations for ADUs, the Commissions stressed the importance of maintaining and enforcing the City's existing requirements for front-yard landscaping, driveway width, parking space dimensions and restrictions on creating new drive approaches. In maintaining these existing requirements while allowing for parking for ADUs to be located in front and street-side setback areas, staff and the Commissions believe the City can better retain the open landscaped character of its residential neighborhoods and avoid over-paved front yards dominated by parking. Revised parking provisions for ADUs are set forth in Section 16.333.060.E.3 of the draft ordinance.

#### Owner Occupancy Requirement

Under current CMC regulations, property owners must sign and notarize a deed restriction that is recorded against the property and requires that the property owner resides in either the ADU or the main residential unit while the other is rented out. The owner occupancy standard is in place to help protect the single-family residential character of the City's neighborhoods and avoid situations where two units are being rented by an absentee owner. The draft ordinance maintains the owner-occupancy requirement. The draft ordinance also includes a specific provision that the short-term rental of ADUs (i.e. for periods of less than 30-days) are prohibited. Short-term rentals are prohibited throughout the City; however, CMC Chapter 16.333 does not currently have a short-term rental restriction specifically for ADUs. The deed restriction requirement is set forth in Section 16.333.070 of the draft ordinance.

#### Architectural Design Criteria and Ministerial vs. Discretionary Review

Proposals for the development of ADUs are currently processed in a ministerial (as opposed to discretionary) review process and must continue to be reviewed ministerially under State law. While State law allows local agencies to regulate ADU architecture, regulating architectural design, otherwise referred to as "design review," is an inherently discretionary process in which judgement is used to evaluate a development proposal against, in Claremont's case, twelve design review criteria (listed in CMC Section 16.300.060).

Under current Code regulations, ADUs are subject to architectural design standards, listed in CMC Section 16.333.060, that are separate from the architectural design review criteria that apply to other development in the City. The reason they differ is because design standards for ADUs are required to be employed in a ministerial review process, rather than the discretionary review requirements most all development in the City is subject to.

The purpose of the design review criteria in CMC Section 16.300 and the architectural design standards in CMC Section 16.333 is similar; to encourage a high level of quality in architectural design to protect and enhance the City's livability, however architectural design standards for ADUs must be objective, lending themselves to a ministerial review process. Regulating architectural design in a ministerial review process, particularly in a community that prides itself on maintaining a high level of architectural quality, represents an inherent tension in how ADUs must be regulated.

The Commissioners agreed that the City's existing architectural design standards for ADUs would be insufficient in promoting high quality ADU architecture consistent with the City's expectations as barriers to the creation of ADUs are removed and their development is expected to increase. At the same time, the discretionary design review criteria of CMC Section 16.300.060 would not be able to be directly applied in the ministerial ADU review process without being inconsistent with State law. In

order to produce architectural design standards for ADUs, staff culled design standards for ADUs from other communities and also took inspiration from the design review criteria in CMC Section 16.300.060 to create a set of ten objective design standards. The design standards for ADUs are found in Section 16.333.060.E.8 of the draft revised CMC chapter on ADUs.

The ten draft design standards for ADUs in the draft ordinance are intended to be comprehensive, and address how the ADU relates to the property in terms of architectural style, colors and materials, roofing style, building scale, appearance when viewed from the public right-of-way, existing mature trees as well as new landscaping, privacy, and impacts to historic structures. The ten design standards were formulated to be clear, concise and easily usable for both applicants and staff in a ministerial review process. Staff and the Commissions believe that employing the proposed design standards will result in ADU architecture that is consistent with the City's high expectations and will not disrupt the City's established development patterns.

The level of specificity of the proposed design standards encourages ADUs whose design directly relates to that of the main residence on the property and does not necessarily encourage a great deal of creativity in the ADU's design in the ministerial ADU review process. As such, the draft ordinance allows applicants to deviate from the highly prescriptive design standards, and submit an application for an ADU under the alternative discretionary review process requiring the architectural design of the ADU to be reviewed against the General Design Review criteria set forth in CMC Section 16.300.060 by the Architectural Commission.

#### Scope and Procedures for Discretionary Review of ADU Proposals

The draft ordinance, provides for a ministerial review and approval process for ADUs, albeit with modified development and architectural design standards. Based on the direction of the two Commissions, the draft ordinance also provides an alternative discretionary approval process for ADUs that seek to deviate from the ministerial standards for ADUs. Specifically, the draft ordinance subjects proposals for ADUs to the discretionary review process that:

- are larger than the by-right maximum square footage for ADUs
- are taller than the ministerially-permitted 15-foot maximum height for ADUs and
- are on residential properties smaller than 6,000-square feet in size
- deviate from the architectural design standards for ADUs.

The draft ordinance requires that both Commissions review applications for ADUs larger than the ministerially-permitted square footage for ADUs (up to 850-square feet), are taller than the ministerially-permitted 15-foot maximum height for ADUs, and are on properties less than 6,000-square feet in size. Proposals for ADUs that only seek to deviate from the proposed architectural design standards for ADUs would be subject to review by the Architectural Commission, and not the Planning Commission. Given the greater potential for ADUs that deviate from the prescriptive ministerial standards to have impacts to surrounding properties, this enhanced level of discretionary review is appropriate for these types of applications.

In order to approve an ADU subject to review by the Planning Commission, the Planning Commission would need to find that all five of the required Conditional Use Permit (CUP) findings, set forth in CMC Section 16.303.040, could be made for the proposed ADU. In making the CUP findings, the Planning Commission would find that the ADU is appropriate for the size and shape of the lot in question, would properly relate to the streets that serve it, would not detract from the integrity and character of the zone in which the property is located, would be consistent with the goals of the General Plan, and would not constitute a menace to public health and safety. Additionally, the draft

ordinance includes two supplemental findings for ADU proposals subject to Planning Commission review, set forth in Sections 16.333.050.2(a)(i) & (ii) of the draft ordinance:

- (i) If the accessory dwelling unit is proposed for a property located in a single-family residential neighborhood, the proposed accessory dwelling unit will not result in an adverse impact to the single-family character of the neighborhood. The number of existing accessory dwelling units shall be evaluated as a factor in determining potential adverse impact.
- (ii) The accessory dwelling unit strengthens the existing architectural scale and character and scale of the neighborhood.

Under the draft ordinance, the Architectural Commission would review all ADU applications submitted for discretionary review. In order to approve an ADU, the Architectural Commission would need to find that all the discretionary architectural design review criteria set forth in CMC Section 16.300.060 could be satisfied. In order to approve an ADU that deviates from the prescriptive ministerial standards set forth in the draft ordinance, the Architectural Commission would need to find that it:

- conforms with applicable development standards,
- is consistent with the General Plan,
- is consistent with the form and architectural quality of surrounding development,
- has a consistent architectural treatment for all portions of the structure,
- respects the privacy of adjacent properties,
- provides for adequate internal circulation,
- is sustainably designed,
- preserves significant and mature trees
- preserves neighbors' existing access to light and air, and
- does not have a visual effect that is detrimental to the public interest, health and safety.

By providing for this alternative discretionary approval route for ADUs, the City allows for additional flexibility in how ADUs are designed, taking into account site-specific considerations while also ensuring that ADUs that deviate from the ministerial standards do not entail outsized impacts on existing neighborhoods and nearby properties in terms of their appearance, scale, and impacts to privacy. By enlisting the expertise of the Planning and Architectural Commissions, who would review such proposals against established criteria (the CUP findings and General Design Review Criteria, respectively), staff is confident that the resultant ADUs will serve the City and its residents well.

The procedures for both the ministerial approval process and alternative discretionary review process involving the Planning and Architectural Commissions are set forth in Section 16.333.050 of the draft revised CMC Chapter 16.333. Recognizing that the Architectural Commission and the Planning Commission may have differing conclusions in independently reviewing the same discretionary ADU application, the draft ordinance sets forth a specific procedure for applications subject to review by both Commissions. Section 16.030.050.B.2(c) of the draft ordinance requires that the Planning Commission review ADU proposals before they are reviewed by the Architectural Commission. In reviewing an ADU application first and finding that the CUP findings and supplemental ADU findings can be met, the Planning Commission would approve the maximum extent to which the ADU could be developed (i.e. maximum square footage, height and/or siting on the property). With those maximum's established by the Planning Commission, the Architectural Commission would then review the proposal against the CMC's general design review criteria. In their review of the proposal the Architectural Commission would be able to require a decrease in the size and/or height of the ADU, or a modification in its location on the site should the Commission feel it necessary in order to



satisfy the general design review criteria. In reducing the size and/or height of the ADU, or its location on the site, the ADU's characteristics as approved by the Architectural Commission would represent a final approval of the proposal. Providing a specific procedure and parameters for how the two Commissions' review of a discretionary ADU proposal interact clarifies the discretionary review process, while allowing for both commissions to effectively review the proposal using existing findings and criteria in the Code.

### Incentivizing Affordable Accessory Dwelling Units

Changes to regulations for ADUs proposed in the draft ordinance clearly reduce regulatory barriers to the development of ADUs by allowing them on many more of the City's residential properties than currently permitted and by creating a straightforward ministerial review process through which they may be approved. In terms of financial incentives, State law requires that fees such as sewer connection fees or capacity charges be charged at a rate that is proportionate to the burden of the proposed ADU, which is anticipated to be less than that of a primary residence given the smaller size of the ADU. This requirement is reflected in Section 16.333.060.E.2(d) of the draft ordinance.

The draft ordinance also includes an incentive for property owners who agree to rent a new ADU at below-market rental rate over a long term. Specifically, the City's Park Dedication Fee represents an opportunity to provide financial relief for property owners who wish to rent an ADU at an affordable rent level. The Park Dedication Fee is a development impact fee associated with the introduction of any new residential unit in the City. The Park Dedication Fee of \$4,400 was established by the City Council in 1973 and further amended in 1991. Established under the Quimby Act, the purpose of the fee is to provide resources to the City for the acquisition and development of parkland and to fund improvements to public recreation uses. As a fee established under the Quimby Act, State law does not include this fee as one that must be reduced in association with new ADUs. However, the Housing Element in the City's General Plan includes language that encourages the use of reductions in the Park Dedication Fee to encourage affordable housing development. Title 17 of the CMC (Subdivision Ordinance) also includes provisions for reducing this fee in order to encourage the production of affordable dwelling units. Specifically, CMC Section 17.159.070.E allows for the City Council to waive the Park Dedication Fee for housing projects with at least 25 percent of the dwelling units set aside and affordable for low- and/or moderate-income if the City Council finds that waiving the fee furthers the implementation of the General Plan. The draft ordinance employs a similar mechanism to encourage property owners to provide affordable ADU rentals over an extended thirty-year term.

The provisions set forth in Sections 16.333.050.B.3 and 16.333.050.B.4 of the draft ordinance would allow homeowners to avoid paying the \$4,400 Park Dedication Fee if they record an Accessory Dwelling Unit Affordability Covenant against the title of the property. The covenant would require that the ADU be rented at a rate that does not exceed 30% of the annual gross household of a household that qualifies as a "Low Income Household" as defined in CMC Chapter 16.036 - Inclusionary Housing Requirements. The ADU Affordability Covenant, which would be developed in consultation with the City Attorney should this proposed provision be included in the final ordinance that is approved, would require the homeowner to certify the income level of the ADU's tenant upon renting the unit, and on an annual basis thereafter. Owners would be required to provide evidence that the ADU continues to be rented at the specified affordability level upon request of the City.

### **BASIS FOR RECOMMENDATION**

Staff finds that the draft ordinance, which would repeal CMC Chapter 16.333 - Accessory Second Units, in its entirety and replace it with a new Chapter 16.333 - Accessory Dwelling Units, effectively

responds to regulatory changes driven by new State law to encourage the increased production of ADUs, while also serving to ensure that their development takes place in a way that is consistent with the character of Claremont and its neighborhoods. The proposed code amendment provides clear, straightforward ministerial standards that will be easily usable by property owners seeking to develop ADUs and City staff, who can use them to ensure they are compatible with the City's existing urban fabric.

At the same time, the proposed code amendment allows flexibility for property owners seeking to implement more creative ADUs, but subjects such proposals to a higher threshold of review involving the City's Planning and Architectural Commissions. In applying these dual approval processes through the draft ordinance, the City's approach to regulating will be brought into compliance with the State's legal requirements that ADUs be permitted in a ministerial approval process without abandoning the rigorous review process that results in the kind of high-quality development Claremont's residents and visitors cherish.

## **RELATIONSHIP TO CITY PLANNING DOCUMENTS**

Staff has evaluated the proposed code amendment in relationship to the City's strategic and visioning documents and finds the following:

**Council Priorities** - This item does not relate to the 2017-2018 Council Priorities.

**Sustainability Plan** - The proposed code amendment supports Goal Area 3 - Transportation, to decrease vehicle miles traveled by complying with State law to not require that parking be provided for ADUs located within a half-mile of the City's major transit stops. Doing so recognizes that residents of ADUs can take advantage of proximity of transit to decrease the number of vehicular trips and miles travelled.

The proposed code amendment also supports Goal Area 5 - Open Space and Land Use by providing the City with opportunities to collect Parkland Fees to support the procurement, development, and maintenance of open space resources as new living units are built.

Finally, the proposed code amendment supports Goal Area 6 - Housing & Economic Sustainability by reducing regulatory barriers to constructing ADUs and providing an incentive for the creation of ADUs that are rented to low income households over an extended 30-year term. Additionally, the conversion of existing structures, or portions of structures, into ADUs is a green building practice in that the adaptive reuse of existing structures precludes the need to use resources and materials to construct new structures.

**Economic Sustainability Plan** - The proposed code amendment does not directly relate to the Economic Sustainability Plan.

**General Plan** - The code proposed amendment many of the General Plan's goals and policies as follows:

- *Encourage sustainable development that incorporates green building best practices and involves the use of previously developed property... (Policy 2-1.1)*, in that the proposed code amendment will allow for much-needed new housing to be developed on more of the City's existing residential properties than is currently allowed while also easing restrictions on converting existing accessory structures into ADUs, a sustainable building practice that takes

advantage of these existing structures “embodied energy,” reducing the need to use resources to build new structures.

- *Preserve the City’s distinctive residential character by maintaining land use patterns that strengthen our neighborhoods (Goal 2-2); Promote neighborhood identity and conservation of individual neighborhood character (Policy 2-2.2); Maintain and enhance Claremont’s unique character (Goal 2-5); Strengthen neighborhood identity with new development that is architecturally compatible with surrounding structures (Policy 2-11.2); Require that new construction, additions, renovations and infill developments be sensitive to neighborhood context and building forms and scale (Policy 2-11.3); Preserve the unique physical and social character of individual neighborhoods (Goal 8-2); and Require all new development to complement and respond to the established character of the neighborhood in which it is located (Policy 8-2.1)* in that the proposed code amendment fortifies architectural design standards for ADUs and also makes use of existing development standards and review criteria to ensure that new ADUs fit into Claremont neighborhoods’ established development patterns and character in terms of their scale, location on properties, and architectural qualities. As State law requires that the City make it possible to develop ADUs on many more of the City’s residential properties in a ministerial review, the proposed code amendment provides thoughtful and usable standards for ADUs that will preserve and even enhance the beloved character of Claremont’s residential neighborhoods.
- *Provide opportunities for a variety of housing types that respond to the need of residents of all age ranges and incomes, and located in all areas of the City (Policy 2-2.1)*, in that the proposed code amendment eases regulatory barriers to the creation of ADUs, which have been identified as a way to provide a housing type that can be accessible to residents across a range of ages and incomes in a manner that distributes these new housing units throughout the City’s neighborhoods.
- *Continue to place a high priority on acquiring and preserving open space lands in Claremont’s hillside areas for purposes of recreation, habitat protection and enhancement, fire hazard management, public safety purposes, water resource protection, and overall community benefit (Policy 2-4.2), Provide a variety of park facilities that meet the diverse needs and interests of the community (Goal 5-9) and Pursue funding sources and programs to purchase privately owned hillside properties for expansion of the wilderness parks (Policy 5-3.1)* in that the proposed code amendment provides a mechanism to bolster City funds for parkland acquisition and park maintenance in requiring the payment of a parkland fee for every new ADU that is not restricted to an affordable rental level over a 30-year term.
- *Promote community identity and local history by encouraging context-sensitive design and development (Goal 2-11); Encourage a variety of architectural styles for new and renovated structures that reflect local architectural characteristics (Policy 2-11.1); and Insist on excellence in architectural design of new construction in the City (Policy 2-5.1)*, in that the proposed code amendment includes detailed, prescriptive architectural design standards that will result in ADU architecture that is sensitive to the existing property context, is consistent with the existing architectural character of the property on which the ADU is developed, and features high quality materials and finishes that will enhance, rather than detract from the architectural character and quality of the property.
- *Achieve optimum use of regional rail transit (Goal 4-4) and Expand and optimize the use of local and regional bus and transit systems (Goal 4-5);* in that the proposed code amendment

eliminates parking requirements for ADUs located in proximity to the City's major transit hubs, recognizing that the residents of these ADUs can take advantage of nearby transit opportunities, bolstering the use of rail and bus systems rather than the use of private vehicles.

- *Provide opportunities throughout the City for adequate and affordable housing in a wide range of housing types to meet the needs of all socioeconomic segments of the community (Goal 8-3); 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 (Policy 8-3.1);* in that significantly eases regulatory barriers to the development of ADUs, which due to their relatively small size and ability to be located on existing residential properties throughout the City's residential neighborhoods, can provide affordable housing opportunities, meeting the housing needs of a variety of the community's socioeconomic segments and helping the City meet its regional housing responsibilities.
- *Use financial incentives and regulatory concessions to encourage the development of lower- and moderate-income housing (Policy 8-3.9) and 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 (Policy 8-3.11);* in that the proposed code amendment provides an incentive to develop ADUs that are restricted to a rental level affordable to households that qualify as either "Low Income" or "Very Low Income" over a 30-year term. Additionally, the proposed code amendment would allow such affordable units to be distributed throughout the City, given that the code amendment would make it possible to develop ADUs on many more residential properties than are currently permitted to have them.
- *Retain the City's present structure and organization, and encourage collaboration between the City Council, staff, commissions, committees and residents (Goal 9-1) and Encourage different commissions to hold joint meetings on issues that overlap responsibilities or interests of the commissions (Policy 9-1.8);* in that the proposed code amendment is the product of considerable collaboration between Planning Division staff and the City's Planning and Architectural Commissions, who held two joint study sessions, and created two sub-committees to devise the code amendment under review.

**2018-2019 Budget - This item relates the following goals of the 2018-2019 Budget:**

CD-1: Provide guidance for public and private development consistent with the community's high standards.

CD-3: Facilitate housing opportunities for individuals at all income levels.

CD-7: Ensure that new development is attractive and compatible with its surroundings.

**Youth and Family Master Plan - This item does not relate to the Youth and Family Master Plan.**

**CEQA REVIEW**

The review of the Code Amendment pertaining to ADU's is not a project as defined by Section 15398

of the California Environmental Quality Act (CEQA) guidelines. Additionally, the proposed Code Amendment pertaining to ADU's is statutorily exempt from the provisions of CEQA pursuant to Section 15282(h) of the Public Resources Code that exempts the adoption of an ordinance regarding ADUs by cities and counties that implement the provisions of Section 65852.2 of the California Government Code. Therefore, no further environmental review is necessary.

### **PUBLIC NOTICE PROCESS**

On Friday, January 11, 2019, a display ad noticing the public hearing was published in the Claremont Courier. Additionally, individual property owners who expressed an interest in being notified of the study session were sent either physical or digital copies of the meeting notice on Thursday, January 10, 2019. Copies of this staff report are available at the City Hall public counter, the Youth Activity Center, the Alexander Hughes Community Center, and the City website.

Submitted by:

Brad Johnson  
Community Development Director

Prepared by:

Nikola Hlady  
Associate Planner

#### Attachments:

- A - Draft Ordinance Approving Code Amendment File #17-CA01
- B - Existing CMC Chapter 16.333 - Accessory Second Units

**Jamie Costanza**

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**Subject:** FW: ADU Ordinance for Second Reading on February 12**From:** Jim Keith [REDACTED]**Sent:** Wednesday, January 23, 2019 11:51 AM**To:** Corey Calaycay ([corey.calaycay@verizon.net](mailto:corey.calaycay@verizon.net)) <[corey.calaycay@verizon.net](mailto:corey.calaycay@verizon.net)>**Cc:** City Manager Tara Schultz ([tschultz@ci.claremont.ca.us](mailto:tschultz@ci.claremont.ca.us)) <[tschultz@ci.claremont.ca.us](mailto:tschultz@ci.claremont.ca.us)>; Joe Lyons[REDACTED] <[jlyons001@msn.com](mailto:jlyons001@msn.com)>; Bob Gerecke [REDACTED] >**Subject:** Path Forward on ADU OrdinanceAt A Minimum

I sensed last night that there would be potential agreement by the leaders of the commissions to consider reducing the discretionary review to one meeting. I suggest that a subcommittee including members of both the Planning and Architectural Commissions could handle those cases. This would reduce the cost and time duration of the discretionary process for everyone, before any subsidies are required. I believe that if the leaders of the commissions agree to the reasonableness of the requested change and support it in testimony at the next reading, then the rest of the Council will agree to send the ordinance back for consideration and modification at the commission level.

To Do This Right

I of course think that the best solution is to increase the permitted size to 600 square feet, so that the legitimate requests by homeowners to build for two parents or themselves can be handled within the policy, and not as an exception. Eventually the unit will turn into a rental, but that is not bad! We are surrounded by these units, mostly unpermitted. That fact has not destroyed the "character" of historical Claremont any more that it will be negative for my neighborhood. By making the construction of them legal, new ones will be built to current standards, etc., and will add to the tax base. That is a point I failed to make last night - continuing to make these units hard or impossible to approve creates more illegal units built by those who hope neighbors won't turn them in. I know this is happening. Keeping our policies stricter than community standards does not foster respect for the city's laws and causes people wanting to build them to resent the City's governance.

I would like to know:

How many attached ADUs have been legally built in Claremont in the past 10 years?

How many non-attached ADUs have been legally built in Claremont in the past 10 years?

In estimate only, about how many people have inquired at the Planning desk about the rules for building these?

How many properties are RS 8000?

How many properties are RS 10000?

How many properties are RS 13000?

How many properties are RS 20000?

How many properties are RS 35000?

Equitable Treatment

Allowing only the largest properties to build a reasonably desired unit size is discriminatory unless there is a physical reason to limit the amount of new building beyond the limits historically set for construction on properties. These limits are just being proposed to minimize the actual construction of housing. The rules are being set to absolutely minimize the impact and central intent of the state law to create living space. In certain parts of town, the rule artificially causes the investment cost required per person to be very high, since the investment in the unit will typically benefit only one person rather than two.

I consider this a significant issue of equitable treatment. I find it hard to endure the lectures I receive from some about the need to accept much smaller units in my part of town due to the major housing need, and then to see

restrictive policies like this created by these same people out of fear that any additional renters on streets like theirs would destroy the “character” of Claremont.

This issue has seen no coverage in the Courier. Everywhere I go, I have to explain to people what is going on, and they have no idea about it. I think once people understand these new limits being imposed, you will see that the proposed ordinance is out of step with the majority of voters. I would like to hear some ideas about the path forward before I personally write a letter to the Courier that will be very critical and a call to attend the next Council Meeting.

- Jim Keith



## Jamie Costanza

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**Subject:** FW: Sue Keith - ADUs

**From:** "Sue Keith" [REDACTED]

**Date:** January 23, 2019 at 12:18:57 AM PST

**To:** "Jennifer Stark" <[jenniferstarkis@gmail.com](mailto:jenniferstarkis@gmail.com)>, "Edgar Reece" <[ed@ereece.com](mailto:ed@ereece.com)>, "Jed Leano" <[jleano@ci.claremont.ca.us](mailto:jleano@ci.claremont.ca.us)>, "Larry Schroeder" <[lschroeder@ci.claremont.ca.us](mailto:lschroeder@ci.claremont.ca.us)>, "Corey Calaycay" <[corey.calaycay@verizon.net](mailto:corey.calaycay@verizon.net)>

**Subject:** ADUs

Hi,

I hope you understand that you voted this evening to make it more expensive and more difficult for couples in the south part of town to build an ADU behind their house for themselves as they age and rent out their existing house to a family who is seeking housing in Claremont. I have been told that Mt. San Antonio Gardens will not let couples live in a 400 square foot dwelling. Obviously, 400 square feet is not a livable space for a couple.

The intent of the state law was to provide housing for more than just single folks. So, now people with bigger houses can build affordable two-person units on their property for themselves or their parents for less money and through an easier process. For those of us with smaller properties, it will not only cost more, but be more difficult to do. Jim and I were really excited about the new ADU possibilities and have considered building an ADU, but not now.

Sue Keith



## Jamie Costanza

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**Subject:** FW: Bob Gerecke, Re: ADUs

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**From:** Bob [REDACTED]

**Sent:** Monday, January 28, 2019 12:21 PM

**To:** Corey Calaycay; Larry Schroeder; Jed Leano; Ed Reece; Jennifer Stark

**Cc:** Tara Schultz; Courier Editor

**Subject:** ADUs

Dear Council members,

I'm concerned that the proposed ordinance seems to allow only unprofitable ADUs on properties whose owners might want the additional rental income, and to allow profitable ADUs only on properties whose owners probably don't need the extra income and wouldn't bother having a tenant in order to get it. It will inhibit the construction of ADUs, contrary to the intent of the state law.

Placing a fixed square footage limit only on an ADU disfavors ADUs compared to other additions or outbuildings which are allowed up to the lot coverage limit for that zone. If our intent is to ensure that a separate ADU doesn't rival the main house in size, we should instead specify a ratio between them. In order not to discriminate against ADUs, that ratio should apply to any and all construction separate from the main house.

And only the zoned lot coverage limit (not the ratio) should apply to ADUs which are attached to the main house, because regardless of their size they do not create a second house similar in size to the main house. ADUs should not be disfavored compared to other main house additions.

A size of 400 sq ft is, according to realtors, unmarketable. It's barely more than a master bedroom ("If you want to compete in today's market you need to go with about 350 square feet", per [www.quora.com](http://www.quora.com) regarding master bedroom size.) It may be attractive to very low income people who could otherwise afford only a room, but the rent that they can afford to pay won't pencil out for the property owner. It's almost as costly to build 400 sq ft as 600, because so much of the cost goes into the kitchen, bathroom and heating/cooling system. Allowing construction up to the zoned limit, as long as a specified ratio to the main house isn't exceeded, is a more reasonable approach, and it doesn't disfavor an ADU compared to another structure if the ratio is applied to all structures, not just ADUs.

You may have assumed that owners of smaller properties might not have the money to build an ADU or any other addition or outbuilding, so limiting them to 400 sq ft would not significantly reduce the production of ADUs. However, they might be able to refinance in order to raise the money, and even in the absence of enough home equity for a refinance, a bank would be more willing to finance an ADU which will generate revenue than they would be to finance a non-revenue-producing renovation or construction. Therefore, severely limiting the size of ADUs on below-average lots would indeed negatively impact the number of ADUs being built.

After all, what is really our objective here? To discourage only ADUs, or to prevent any over-building and the look of two home-sized buildings on single-home lots? Under the proposed ordinance, ADUs are inhibited more than other construction. For example, a property owner could build a 700 sq ft barn, workshop or garage, but not more than a 400 sq ft ADU. Or build a 700 sq ft outbuilding of some sort, but only a 400 sq ft ADU inside it. Or add 700 sq ft to the main house for anything except an ADU, but add only 400 sq ft if it's an ADU.

I can imagine someone constructing a 700 sq ft master bedroom suite with its own entrance, separate sitting and sleeping rooms, double sinks and a long counter in the dressing room, a small refrigerator and a microwave, just like a hotel suite. It wouldn't be an ADU, because it would lack a "kitchen". The owner would rent it as a suite rather than an ADU, the ordinance's size limit on an ADU would be for nought, and the city would be challenged if it tried to prevent homeowners from renting rooms.

It's not too late to tweak the ordinance instead of passing it as-is. Perhaps all that would be needed would be to remove the square footage limits in this ordinance and to specify the allowable ratio between an outbuilding and the main house in the zoning ordinance. This would give ADUs equal treatment with other construction, while retaining in force our city's existing lot coverage limits. A further benefit would probably be to reduce the number of requests for discretionary approval of exceptions.

I also suggest that criteria be developed and publicized for the discretionary approval decision, to ensure that it won't be arbitrary or be perceived as such, and to give advance information to property owners who are considering a request for an exception. This will help owners to decide whether their basis for an exception is likely to succeed or not. It may either increase or decrease the requests for a discretionary approval, but in either case it will give owners a greater sense that the process is fair, and it will reduce the likelihood that failed applicants will subsequently accuse the city of discrimination or favoritism.

Thanks for considering these thoughts. I hope that we will have an ordinance which complies with the intent of the state law to encourage ADUs and which minimizes the likelihood of property owner dissatisfaction and

litigation.

Bob

P.S. - A friend who attended both joint commission meetings told me that the public testimony was overwhelmingly in favor of liberal provisions encouraging and facilitating ADUs. If that's accurate, the "compromise" which the Planning Commission chair said the proposed ordinance embodies may be a compromise between opposing factions of the commissions rather than opposing public testimonies, and the revisions which I propose may not generate different public testimony seeking to retain provisions which disfavor and inhibit ADUs.



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**Jamie Costanza**

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**Subject:** FW: ADU ORDINANCE

**From:** Joseph Lyons [REDACTED]  
**Sent:** Thursday, February 7, 2019 11:33 AM  
**To:** Tara Schultz <[tschultz@ci.claremont.ca.us](mailto:tschultz@ci.claremont.ca.us)>  
**Subject:** ADU ORDINANCE

Honorable Mayor and City Council,

I am using the pen as well as the podium to address an issue about which I am passionate, and for which I gave much of my tenure as a Councilperson to advance both locally and regionally. The issue is affordable housing and homelessness, which, in my opinion and experience, only one place where effective solutions can arise, namely at the local level in communities like Claremont, where the homeless find shelter, and those at risk of becoming homeless are our neighbors.

Since the Council Meeting on January 22nd, I have given a great deal of thought to the ordinance that came before Council which would replace our current ordinance governing the construction of Accessory Dwelling Units (ADUs) on residential property in Claremont. Written in “response to changes in State law aimed at spurring the increased production of ADUs,” the code changes proposed in the ordinance were the product of our commission process, which in this case was a joint effort of both the Architectural and Planning Commissions.

Meeting on numerous occasions in both joint and independent sessions and with professional guidance from the appropriate city staff, the process objective was to craft an ordinance that would comply with State legislation that directed the removal of local impediments to the construction of ADUs on all residential properties within cities.

Although the reason for undertaking the code amendment was clearly stated, the Staff Report Summary claiming to have crafted an ordinance that met the

objective was, in my opinion, at best over stated, and in many respects counter to facilitating the increased production of ADUs. The following is the statement as it appears in the Staff Report, with the bolded and italicized segments highlighting the competing rather than complimentary perspectives that needed to be merged during the process.

**“The proposed code amendment responds to and complies with changing State laws to permit the development of ADUs on more of the City’s residential properties, while putting in place detailed development standards to help ensure that new ADUs are well integrated into and compatible with the City’s urban fabric. In creating dual approval processes, the City’s regulations for ADUs will comply with recently changed State laws regulating ADUs to facilitate their increased production in a manner that does not detract from, but rather enhances the City’s sense of place and high quality of life.”**

However, before listing some changes to the proposed ordinance that I think would greatly improve its compliance with its stated objective, I need to recognize the dedication to purpose and the outstanding effort made by the staff and commissioners during this challenging process. The task of melding the spirit of existing codes into a comprehensive compendium of codes designed to reverse the long standing and highly restrictive policy against the construction of ADUs in Claremont, may have been made impossible from the outset, absent a reversal of the latter prior to initiating a process that requires a clearly stated substitute policy as a guide. This fact alone may help explain at least some of the discrepancies previously noted.

In this regard, it might be that during your deliberations and discussions at the next Council Meeting [on February 12th](#), you may determine that the first step needed is to have a more permissive permitting policy regulating the construction of ADUs as the guild to modifying codes to facilitate their construction. In the slightly modified words of a Cat Stevens song, “having sat where you are now, I know that it’s not easy to question process when there is so much going on.” And not to fault anyone, I think this is one of those rare

occasions when the commission process was required to create the policy along with the codes to implement a policy of their own creation. Not exactly how it is supposed to work.

That said, I am hopeful that your decision on Tuesday will be to postpone any decision on the ordinance until any guidance can be provided to staff and commissioners. I would suggest that any of the following would promote the very real opportunity to address our City's shortage of affordable and low income household housing units by increasing the construction of ADUs: 1) establish a policy that permits residential property owners to construct ADUs that comply with existing parcel coverage, the 50% of the primary residence maximum, and property line and structure separation setbacks to serve as a ministerial approvable maximum size of an ADU up to 1200 sq ft; 2) remove the discriminatory restriction against permitting of ADUs by non-occupant residential single family residential property owners; 3) provide maximum incentives (waiver of all permitting, construction, special fees and taxes; on street parking permit; assistance with procuring low to no interest loan; etc.) to residential property owners who place an ADU under a 30 year transferable covenant to rent to low and very low income households. Nor does it include an integrated perspective that includes the economic stimulus, a pragmatic land use model, or available construction cost assistance to build ADUs under covenant.

This is not an exhaustive list of changes that could facilitate ADU construction throughout Claremont, although incentivizing covenants is, in my opinion, essential for providing a long term supply of housing for low and very low income households. Through covenants, housing units are in effect removed from the stock of market priced units and outside the influence of market forces that have and will continue to contribute to the affordable housing crisis.

As our City struggles with the challenging task of balancing preservation of our community's character and history with the responsibility to share in the solution to create housing opportunities that are inclusive of the

socioeconomic spectrum that makes up our City's and Region's workforce and special needs individuals, I would hope that before the State makes even more proscriptive demands with associated punitive measures for non-compliance, that we simply commit, perhaps for the first time intentionally, to implement the prescriptive core value and principle the permeates our City's General Plan. Throughout the pages of our foundational policy document is a thread that runs through every chapter from the Housing Element to Community and Human Services Human, inclusion and the celebration of diversity. A clearly articulated permissive and preservation focused policy that facilitates the construction of ADU's as a way to provide affordable housing opportunities in Claremont, would be one tangible way to demonstrate our Community's commitment to implement that core value.

Respectfully,

Joseph M. Lyons

Proud Citizen and former Councilperson of the City of Claremont

Sent from my iPad

Wheeler  
Steffen

**Sotheby's**

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**RECEIVED**  
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January 31, 2019

Claremont City Council Members

Re: Accessory Dwelling Unit Ordinance

Honorable Council Members,

As local Realtors, we have a unique opportunity to hear the wants and needs of those who are purchasing or leasing homes in our local communities. In addition, we are often involved in assisting families in weighing options for housing that address a myriad of needs.

Accessory Dwelling Units (ADU's) provide an option that fulfills many of the housing challenges that face members of our community.

The State of California in response to the lack of affordable housing and other housing challenges facing our residents enacted legislation requiring municipalities to adopt ordinances that reduce the barriers and make the permitting costs from local agencies more transparent and easier to calculate for ADU's.

The State has required that municipalities provide owners with easily understood specifications for ADU's and increase the number of "Ministerial" (Over the Counter) approval of ADU's.

Claremont continues to be a sought-after community to live in. Housing prices and rental costs continue to be a barrier for many. Our elementary school enrollment continues to fall as families with younger students are unable to afford housing in Claremont. In response to this, Claremont allows inter-district transfers to fill the class rooms. ADU's could provide more housing for younger families and help to fill our schools with children that can walk to school each day.

ADU's provide opportunities for affordable multi-generational housing, options of aging in place, opportunities for supplementing income and for leveraging the purchase of a home by applying the potential rent against the mortgage payment.

At the last Council meeting, it appeared that the Council felt that the work of the committee should, out of respect, be approved as presented and that there had already been plenty of opportunity for concerned citizens to weigh in during the collaborative process of developing the ordinance.



We encourage the Council to consider the Ordinance process from the perspective of your citizens. The time commitment to attend every meeting of a committee discussing an ordinance is extraordinary. There is no set agenda for a committee that allows us to determine which meetings are crucial to attend. In addition, many of us have other commitments, either personal, professional, or service related, that prevent us from being available on the dates of the meetings.

The State requires ordinances to be approved by the City Council in a two-step basis. The first reading was conducted on January 22. The first reading is designed to allow the citizens to read the proposed ordinance and provide comment prior to the adoption of the Ordinance at its next meeting.

The Council should consider without prejudice, the comments of those that will be impacted by the proposed ordinance. The ordinance should stand on its own merits and the Council should not defer to the knowledge of the drafters as being superior to that of the citizens who raise concerns or the concerns that members of the Council should openly discuss and share.

We find that the ordinance is well drafted and should protect the interests of Claremont Residents. However, the Ordinance, in our opinion, needlessly restrictive regarding the allowable square footage for the various Zoning Districts regardless of actual lot size and lot coverage. The maximum of 400 sqft for the majority of Zoning Districts for Ministerial approval is woefully inadequate. The maximum size of a dwelling unit anywhere in the City is 850 sqft., well short of the 1,250 sqft. suggested by the State.

The State has already defined that the maximum size of an ADU shall not be greater than: allowed by the established Lot Coverage Limits for each Zoning District; 50% of the existing home; or a total of 1,250 sqft.

We question if the proposed Ordinance will pass muster with the State of California Department of Housing and Community Development. As drafted, the Ordinance will require most owners to go through the "Discretionary Approval" process with the Architectural and Planning Commissions.

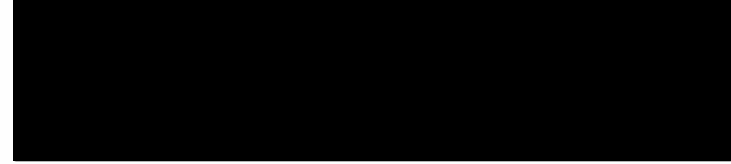
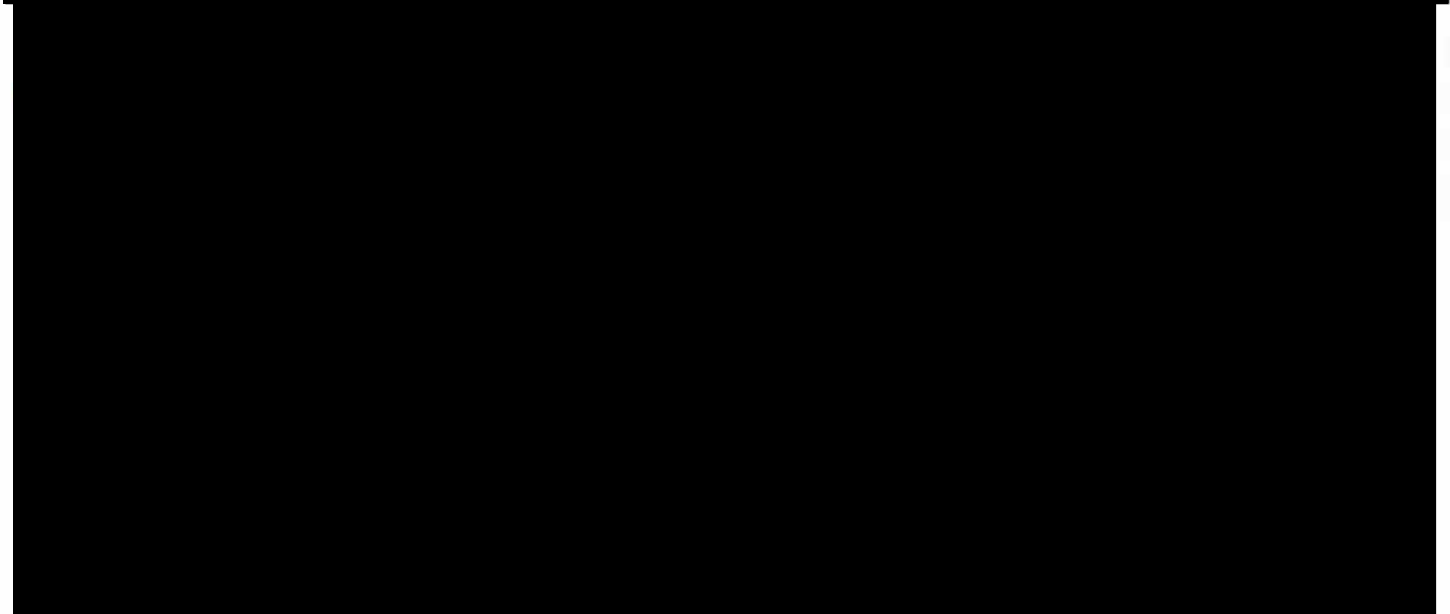
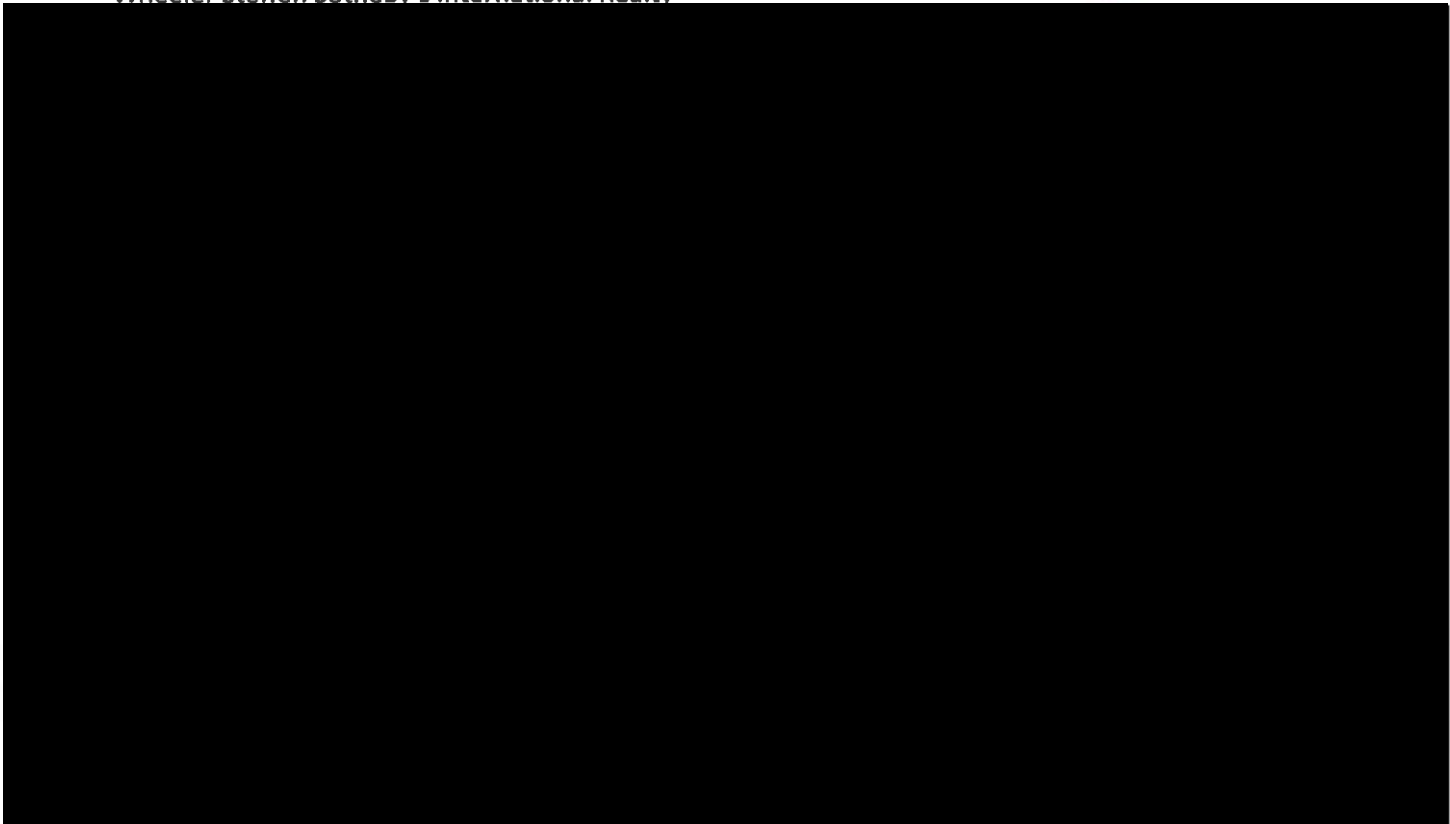
We encourage the City Council to modify the Ordinance, prior to adoption, to increase the maximum size of ADU's as described in the table E.6(a) and increase the maximum size of an ADU to be consistent with the State of California's Government Code Section 65852.2.

Please keep in mind that the ADU's by their very nature are placed in the backyard, any impact to the immediately surrounding neighbors would be no more than if the owner built an extension to their home up to the allowable lot coverage.

The Council should support more liberal standards for Ministerial approval of ADU's to provide valuable opportunities for affordable housing and flexibility for a myriad of housing opportunities that not only meet the varied needs of our citizens but help attract younger families with elementary school age children to our community.

Respectfully,

Wheeler Steffen Sotheby's International Realty



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## Jamie Costanza

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**Subject:** FW: Opinion Piece for Courier  
**Attachments:** Can We Fix the ADU Ordinance.pdf

**From:** Jim Keith [REDACTED]  
**Sent:** Thursday, February 7, 2019 9:48 AM  
**To:** Tara Schultz <[tschultz@ci.claremont.ca.us](mailto:tschultz@ci.claremont.ca.us)>; Corey Calaycay <[ccalaycay@ci.claremont.ca.us](mailto:ccalaycay@ci.claremont.ca.us)>  
**Cc:** Rachel Forester <[foresterster@gmail.com](mailto:foresterster@gmail.com)>; Brad Johnson <[bjohnson@ci.claremont.ca.us](mailto:bjohnson@ci.claremont.ca.us)>  
**Subject:** Opinion Piece for Courier

I would like to share in advance an opinion piece that we submitted to the Courier for publication on Friday. I expect that the City Council members may want to read this in advance.

- Jim Keith  
[REDACTED]

## Can We Fix the ADU Ordinance?

Dear Editor:

Thank you for the Courier article last Friday covering the proposed ADU ordinance that may get final approval from the City Council this coming Tuesday. This ordinance has a major flaw and we have one last chance to get it fixed before it becomes Claremont law.

The issue that we feel strongly about is that homeowners in the city currently have rights to build on their property up to a certain percent of lot coverage. The size of those additions is now proposed to be cut dramatically in the new Accessory Dwelling Unit (ADU) ordinance. As your article explained, homeowners with property zoned RS8000 will be allowed to build ADUs up to only 400 square feet, and homeowners zoned RS10000 can build up to only 500 square feet. These limits would govern a separate family living in an attached portion of a home as well.

Over 2,100 Claremont homeowners are zoned in RS8000, and will be limited to 400 square feet. For example, South Claremont is zoned like this. Another 2,700 homeowners are zoned in RS10000, and will be limited to 500 square feet. Many properties above Foothill are zoned like this. Together, these properties are 68% of Claremont's housing stock. Homeowner rights to build to their existing lot coverage limits are being taken away. These limits are being placed on properties that in some cases are very large. For example, South Claremont is zoned for lots that are 8,000 square feet, but many lots are much larger. Limiting homeowner rights to build based on zoning and not actual lot size is certainly not fair.

The prior article on this ADU issue was in the Courier last March, and the maximum sizes proposed by the staff were then 700 to 1,200 square feet. Somehow, commission committees led to cutting the maximum sizes drastically despite pleas from the public to let them build. I have heard that one commission member wanted zero ADUs to be built, so perhaps they "compromised" from 700 to 400 square feet?

Realtors report that based on the market, a 400 square foot ADU will be rented to a single person. Claremont homeowners have testified that they want to build a back unit to house their parents, and 400 square feet is too small. Three different local retirement communities require couples to live in units with at least 650, 700 or 750 square feet.

Building these ADUs will be expensive. I have been told that the estimated total cost will range between \$100,000 to \$150,000. Most of the cost of an ADU will go for the sewer connection, utilities, a bathroom, and kitchen. If a small living space around that investment will not result in enough rent income to pay back the construction loan, plus provide for its future maintenance, then homeowners will not build them.

Realtors report that there are hundreds of ADUs that are "grandfathered" in Claremont, particularly in historic areas. These units have not destroyed neighborhoods. What is the reason for setting up such low maximum sizes? No one has given a reason other than

“preserving the character” of Claremont. With parents from other school districts driving over 1,700 students each day to fill our schools, why is the City wanting no child to live in a new ADU in South Claremont, for example? Another option if ADUs were large enough would be for older homeowners to move to their own ADU and allow a new family to live in their larger home. Why would City Council candidates who want to provide options for more and lower cost housing create unnecessary limits for new ADUs, which will be built without taxpayer subsidy?

If you agree with us that these size limits are too small, then please contact your City Council representative and let them know. If possible, attend the City Council Meeting at 6:30 PM this coming Tuesday 2/12. Ask the City Council to return the ordinance to the commissions, so that they can increase at least these 400 and 500 square foot limits. If we don't speak up and the Council again approves the existing ordinance on Tuesday, it will become Claremont law.

- Rachel Forester and Jim Keith