

Claremont  
Cultural Resources Preservation Ordinance  
This ordinance shall be known as the  
Claremont Cultural Resources Preservation Ordinance  
and shall hereafter be referred to as the Ordinance.

**Definitions-Key Terms**

Definitions and Key Terms as used in the Ordinance have the following meanings:

A. **Alteration** is any construction or physical change to the exterior of a structure, site, object, or designated interior that may have a significant impact on character-defining features of a cultural resource. Alteration shall also include new construction or additions, but not include ordinary maintenance and repairs.

**Architectural and Preservation Commission (APC)** is the City's Architectural and Preservation Commission established pursuant to the provisions of this Ordinance.

**Architectural Historian** is an architectural historian who meets the Secretary of the Interior's Professional Qualifications Standards in architectural history as defined by the Title 36 Code of Federal Regulations, Part 61. .

B. **Building Official** is the City of Claremont officer or other designated authority charged with the administration and enforcement of the building, housing, electrical, plumbing, and related codes.

C. **California Environmental Quality Act (CEQA)** is the State of California law requiring public agencies to study, document, and consider the potential environmental effects of a proposed action prior to allowing the action to occur. Collectively, the provisions of CEQA are codified in the State of California Public Resources Code Section 21000 et seq. and in the State of California CEQA Guidelines, as described in the California Code of Regulations, Title 14, Chapter 3, Section 15000 et seq.

**California Office of Historic Preservation (also known as the Office of Historic Preservation or OHP)** is the agency that carries out some provisions of the National Historic Preservation Act of 1966, as amended, and related State and Federal laws and regulations pertaining to the preservation of historic and archaeological resources. It carries out the National Park Service's historic Preservation programs including nominating historic properties to the National Register of Historic Places and qualifying local programs for the Certified Local Government program. It also administers the State's preservation programs such as the California Register of Historical Resources (Public Resources Code §§ 5020, et seq.).

**California Register of Historical Resources** is the authoritative and comprehensive listing and guide to California's significant historic resources, including historic (built environment) and prehistoric (archaeological) resources. The California Register of Historical Resources is defined in the State of California Public Resources Code Section 5024.1 and in the California Code of Regulations, Title 14, Chapter 11.5, Sections 4850 et seq.

**Certificate of Appropriateness, or Certificate** is the permit granted on the finding by the Architectural and Preservation Commission that the application for demolition, alteration, or relocation of a cultural resource is in accordance with the City's Design Guidelines, the Secretary of the Interior Standards for the Treatment of Historic Properties, and other applicable criteria as provided in Section 4 et seq.

**Certified Local Government Program** is a national program administered by the states designed to encourage the direct participation of a local government in the identification, registration, and preservation of historic properties located within the jurisdiction of the local government.

**Character-Defining Features** are those visual aspects and physical elements that comprise the appearance of a building or property and are significant to its cultural values, including the overall shape of the building or property, its materials, craftsmanship, decorative details, interior spaces and features, as well as the various aspects of its environment.

**Civil Engineer** is any individual registered by the State of California to practice civil engineering pursuant to the State of California Business and Professions Code, Chapter 7, Section 6702.

**Contributing Resource or Contributor** is a property or feature, including all buildings, structures, objects, and/or sites that contribute to the cultural significance of a designated or potentially significant district.

**Cultural Resource:** Cultural Resource shall refer to historic, prehistoric, built, and natural resources that are significant in the history of the city, region, state or nation. Cultural resources include built and natural resources such as: buildings, structures, objects, and other property improvements; sites, heritage trees, historic districts, signage and other man-made or natural features. Cultural resources include any resource within the categories of historic resources defined by CEQA Guidelines (California Code of Regulations Title 14) Section 15064.5(a), as it may be amended from time to time. Cultural resource is any building or site that has been designated as culturally significant by the City Council in accordance with the procedures of this ordinance and is listed in the Claremont Register, or any resource listed in the California Register of Historical Resources or the National Register of Historic Places as historically significant.

**D. Demolition** is the destruction or removal of one or more character-defining features of any structure or site.

**Demolition by Neglect** is the term to describe a situation in which a property owner allows a culturally significant property to suffer severe deterioration, potentially beyond the point of repair.

**Design Guidelines** are the approved City of Claremont Residential Design Guidelines and the City of Claremont Commercial Design Guidelines as they may be amended from time to time.

**Designation** is the approval by the City Council to add a building, structure, object, district, property, site, or other improvement to The Claremont Register after being reviewed and recommended for inclusion by the Architectural and Preservation Commission.

**E Engineering Evaluation** is an evaluation of a building or structure performed under the direction of a historic architect, a structural engineer, or a civil engineer.

**H. Historian** shall refer to a historian who meets the Secretary of the Interior's Professional Qualifications Standards in history as that term is defined by Title 36, Federal Code of Regulations, Part 61.

**Historic Architect** is an architect, licensed in California, who meets the Secretary of the Interior's Professional Qualifications Standards in historic architecture as that term is defined by Title 36, Federal Code of Regulations, Part 61.

**Historic Context** is a broad pattern of historical development in a community or its region that is organized by theme, place, and time and which may be represented by historic resources.

**Historic District** is any area or site containing a number of improvements or natural features that have a special character, historical/aesthetic value or interest, or that represent one or more architectural periods or styles typical of a period of the City's history and that constitute a distinct section of the City designated as a historic district by the Claremont City Council. A historic district shall have a significant concentration, linkage, or continuity of sites, buildings, structures, heritage trees, objects, or other features that are united in terms of historic development, architecture, or aesthetics. A historic district may contain both contributing resources and non-contributing resources.

**Historic Integrity** is the authenticity of a property's historic identity, evidenced by the survival of physical characteristics that existed during the property's prehistoric or historic period of significance. Physical characteristics listed in the Claremont Register include: location, design, setting, materials, workmanship, feeling, and association.

**Historic Resource:** See Cultural Resources.

**I. Imminent Threat** is the existence of any condition within, or affecting, a cultural resource that, in the opinion of the authority having jurisdiction, would qualify such resource as dangerous to the life, health, property or safety of persons, a structure's occupants, or those performing necessary repair, stabilization or shoring work.

Potential hazards to persons using improvements within the public right-of-way may not be construed

to be imminent threats solely for that reason if the hazard can be mitigated by shoring, stabilization, barricades or temporary fences.

**Improvement** is any building, structure, fence, gate, wall, landscape, work of art, or other object constituting a physical betterment of real property, or any part of such betterment.

**Interested Community Groups** are stakeholders in the community that include, but are not limited to, Claremont Heritage, Sustainable Claremont, the Claremont Wildlands Conservancy, and other groups who from time-to-time offer community input concerning cultural resources.

**M. Maintenance** is any work done to any building, structure or other improvement to preserve it or prevent its deterioration.

**Minor alteration** is work done to any building, structure or other improvement that does not substantially change, obscure or destroy exterior character-defining features, spaces, materials or finishes.

**N. National Register of Historic Places** is the official Federal inventory of districts, sites, buildings, structures, and objects significant in American history, architecture, engineering, archaeology, and culture. The National Register is maintained by the Secretary of the Interior under the authority of the Historic Sites Act of 1935 and the National Historic Preservation Act of 1966 (54 U.S.C. Section 100101 et seq., 36 C.F.R. Sections 60, 63).

**P. Preservation** is the act or process of applying measures necessary to sustain the existing form, integrity, and materials of a cultural resource as defined in the Secretary of the Interior's Standards for Preservation. It includes the preliminary measures to protect and stabilize a property, and generally focuses on the on-going maintenance and repair of significant and historic materials and features rather than extensive replacement or new construction.

**Preservation Contractor** is a contractor, licensed in California, with a minimum of five years' experience of completed work similar in material, design, and extent to that indicated for a proposed project and a record of successful in-service performance.

**Preservation Planning District** is an area identified by its broad characteristics and provides neighborhood character including: building heights, setbacks, massing, open space, repetition of building and streetscape elements, trees and landscaping.

**Primary Record or DPR 523 Series Form** is the accepted format created by the State of California Department of Parks and Recreation for the purposes of identifying, documenting, and evaluating historic resources.

**Property** is a parcel or adjoining parcels under single ownership or single control considered a unit for the purposes of development or other use.

**R. Repair** is the fixing of a deteriorated or damaged part of an existing cultural resource in a manner that is consistent with the existing materials and appearance.

**Reconstruction** is the act or process of depicting, by means of new construction, the form, features, and detailing of a non-surviving site, landscape, building, structure, or object for the purpose of replicating its appearance at a specific period of time and in its historic location as defined in the Secretary of the Interior's Standards for Preservation. Reconstruction re-creates a vanished or non-surviving historic feature with new materials.

**Register of Structures of Historic or Architectural Merit in Claremont,**

( hereafter referred to as The Claremont Register) is the official list of properties that are located within the City of Claremont and designated by the City Council pursuant to Section 4, et seq.

**Rehabilitation** is making a compatible use of a cultural resource through repair, alterations, and additions while preserving those portions or features that convey its cultural values as defined in the Secretary of the Interior's Standards for Rehabilitation. Rehabilitation retains the cultural resource as it has evolved by maintaining and repairing historic features, while allowing additions and alterations for contemporary and future uses.

**Relocation** is the process of moving a cultural resource such as a building, tree or object from one location to another either by disassembling and then reassembling it at its destination or transporting it as a whole.

**Restoration** is accurately depicting the form, features, and character of a property as it appeared at a particular time by means of removal of features from other periods in its history and reconstruction of missing features from the restoration period as defined in the Secretary of the Interior's Standards for Restoration. The limited and sensitive upgrading of mechanical, electrical, and plumbing systems and other code-required work to make properties functional is appropriate within a restoration project. Restoration depicts an appearance that existed during the historic property's most significant period by removing later additions and rebuilding or replanting earlier features.

**S. Site** is a location where political, military, cultural or social history events of significance occurred. Sites may include, but are not limited to, battlefields, campsites, ruins, political or social event locations, and similar places.

**Structural Engineer** is any individual registered by the State of California to practice structural engineering and to use the title structural engineer pursuant to the State of California Business and Professions Code, Chapter 7, Section 6701.

**Survey** is the inventory of a community's cultural resources (e.g. properties, buildings, structures, sites, districts and objects). A survey is both a process and a product to identify and document cultural resources and to evaluate their significance. A survey is conducted within a geographic boundary, usually including resource that are at least 50 years of age. Properties are documented through mapping, photography, physical descriptions and condition assessments. They are evaluated using established local, state and/or federal designation criteria associated with cultural contexts important in the community's history.

## Section 1. Purpose and Goals

1.1 The City of Claremont is dedicated to creating and sustaining places that distinguish our community. The purpose of this ordinance is to promote the general welfare, health and safety of the people of the City through the identification, designation, protection, enhancement, perpetuation and use of significant resources that reflect special elements of the City's cultural heritage: historical, architectural, archaeological, environmental, or aesthetic and:

- A. To encourage public knowledge, understanding, appreciation, and use of the City's cultural heritage;
- B. To foster civic pride in the ownership of cultural resources and in the beauty and character of the City and in the accomplishments of its past;
- C. To encourage maintenance and preservation of areas that are associated with a historic event, activity, or persons that contribute to the cultural character of districts, neighborhoods, historic structures, and artifacts;
- D. To carry out the goals and policies of the City's General Plan;
- E. To stabilize neighborhoods and areas of the City;
- F. To preserve diverse and harmonious architectural styles, and landscape features reflecting phases of the City's history;
- G. To enhance the visual character of the City by encouraging new design and construction that complements the City's historic buildings;
- H. To increase the economic benefits of historic preservation to the City and its inhabitants;
- I. To protect property values within the City;
- J. To identify as early as possible and resolve conflicts between the preservation of cultural resources/districts and alternative land uses;
- K. To conserve valuable materials and energy resources by ongoing use and maintenance of the existing built environment;

L. To discourage the demolition, neglect or demolition by neglect of cultural resources.

## Section 2. Enabling Authority

2.1 Local governments enjoy broad authority to adopt preservation ordinances as part of their police power established in the state constitution and also from specific state statutes. The California constitution, Article XI, Section 7, grants every city and county the police power to enable local governments to act to protect the health, safety, and welfare of their citizens. In addition to the general police power, state statutes specifically authorize local governments in California to acquire and protect historic resources.

2.2 Under California Government Code, Section 37361(b), "The legislative body may provide for places, buildings, structures, works of art, and other objects, having a special character or special historical or aesthetic interest or value, special conditions or regulations for their protection, enhancement, perpetuation or use, which may include appropriate and reasonable control of the use or appearance of neighboring private property within public view, or both."

## Section 3. Architectural and Preservation Commission

3.1 The Architectural and Preservation Commission is to undertake general design review of the City of Claremont per Chapter 16.300 of the Claremont Municipal Code and to act as the Preservation Commission as outlined below in the Scope of Powers. The Code addresses the Commission's composition, review responsibilities, application procedures, review criteria, and appeal procedures.

3.2 **Composition** The City Council will appoint a seven (7) member Commission, each member having an experience or interest in one or more of the areas of architecture, design, and knowledge of the cultural heritage of the City. The Architectural and Preservation Commission shall include one (1) licensed architect; one (1) licensed landscape architect; and two (2) members with experience in historic preservation, archaeology, or architectural history; and three (3) members appointed from the community at large, each with an interest in or knowledge of Claremont's history.

3.3 **Scope of Powers** The Commission shall be an advisory board to advise the City Council, all City Commissions, City departments, and the City Manager on all matters relating to the identification, protection, retention, and preservation of cultural resources in the City. The Commission shall have the power to appoint an advisory panel of volunteer experts as may be necessary to assist in the exercise of its duties. The Commission may also consult with preservation organizations or associations, including, but not limited to, Claremont Heritage.

3.4 **Enumerated Powers** This Ordinance shall grant the Architectural and Preservation Commission the authority to:

- A. Approve or disapprove in whole or in part applications for Certificates of Appropriateness and their related environmental assessments under CEQA regarding the demolition, alteration, or relocation of a cultural resource, including resources listed in the Claremont Register, the California Register, or the National Register;
- B. Review all applications for permits, environmental assessments, environmental impact reports, environmental impact statements, and other similar CEQA documents set forth in this ordinance, pertaining to all resources listed in the Claremont Register, the California Register, or the National Register;
- C. Render advice and guidance, upon request of property owner(s) or occupants, on procedures for inclusion of a cultural resource in the Claremont, State, or National Registers;
- D. Review, grant or deny applications for permits to relocate, demolish or alter any resource listed in the Claremont Register; and all applications for permits to build, alter, relocate or demolish structures in historic districts;
- E. Review the potential impacts of new construction and development adjacent to or within 300 feet of a cultural resource and make recommendations to mitigate impacts on the cultural resource if any;
- F. Identify and enforce affirmative maintenance requirement on the owners of resources listed in the Claremont Register;

- G. Recommend to the City Council any additions to, or deletions from, the Claremont Register;
- H. Promote community awareness and appreciation of cultural preservation through an annual design and preservation recognition program;
- I. Review and provide recommendations on zoning amendments, and other legislation, relating to cultural preservation;
- J. Provide for public participation in local preservation programs, including the process of recommending properties for nomination to the Claremont Register, California Register, and National Register of Historic Places;
- K. Encourage the protection, enhancement, appreciation and use of properties, sites, and structures of historic, architectural, community, or aesthetic value which have not been designated as cultural resources but are deserving of such recognition.

### 3.5 Staff Scope of Powers

- A. Maintain and publicize a local inventory of cultural resources and districts within the City and update the inventory at least every five years;
- B. Review and approve minor alterations based on the Secretary of Interior Standards for Rehabilitation;
- C. Make recommendations to the Architectural and Preservation Commission on applications for designation and for major alterations to designated resources.

3.6 Final Review Authority Per Chapter 16.300 of the Claremont Municipal Code, the Architectural and Preservation Commission shall maintain final review over design review of cultural resources, with appeals to the City Council.

3.7 City Council Upon recommendation of the Architectural and Preservation Commission, the City Council shall consider and make findings to add resources to or delete resources from the Claremont Register.

The deletion of any designated cultural resource shall be granted only if the City Council first finds that the resource no longer conforms to the established criteria for designation and:

- A. Has been destroyed or demolished by natural disaster, accident, or fire; or
- B. Has diminished cultural significance or value upon a showing of clear and convincing evidence, including that this diminution is not the result of demolition by neglect or work performed without permit.

### 3.8 Disclosure of Personal Interests

A member is bound by the provisions of the Government Code relating to non-contractual conflicts of interest. In addition to the requirements of such code, a member shall disclose any direct or indirect personal financial interest in any matter coming before the Commission on which he or she serves and the secretary shall record this disclosure. He or she shall refrain from participating in any discussion of the matter, except that he or she may temporarily leave his or her seat as a commission member and present a case on behalf of a client, and he or she shall abstain from voting on the matter. Chapter 2.16.110 City of the Claremont Municipal Code.

## **Section 4: Procedures and Criteria for Designating Cultural Resources**

The Architectural and Preservation Commission shall follow the review and approval process for designating cultural resources as outlined in the ordinance and in keeping with the policies and goals of the General Plan, Chapter 2.

### 4.1 Surveys

A survey is the accepted method of systematically studying cultural resources. It includes a physical description and a photograph of each resource, legal information from title or assessment records, statements of significance according to the criteria in this ordinance, and a statement of any threat to the integrity or continued existence of the resource. The information for each resource is recorded on a DPR 523 form..2 Criteria for Designation of Cultural Resources

The following criteria are established for the designation of cultural resources to the Claremont Register:

#### 4.2.1 Cultural Resources

A. Cultural resources shall include all public and private resources previously designated in the Claremont Register, and cultural resources that are listed in the California, or National Registers.

To be designated to the Claremont Register the resource must be determined to be significant at a local, regional, state, or federal level, be at least 50 years or older, unless it has been determined to be of exceptional importance and achieved significance within the last 50 years and be an exemplary representation of a particular type of historic improvement, and meet one or more of the following criteria:

1. It is identified with important events in national, state, or City history or exemplifies significant contributions to the broad cultural, political, economic social, or historic heritage of the nation, state, or City;
2. It is associated with a person, persons, or groups who significantly contributed to the history of the nation, state, region, or City;
3. It embodies the distinctive and exemplary characteristics of an architectural style, architectural type, period, or method of construction; or represents a noble work of a master designer, builder or architect; or is a valuable example of the use of indigenous materials or craftsmanship;
4. It identifies the work of an architect or master builder whose individual work has influenced the development of the City of Claremont;
5. It has yielded, or has the potential to yield, information important to archaeological prehistory or history of the nation, state, region, or City;
6. It exemplifies the early heritage of the City.

4.2.2 Historic Districts An area may qualify as a historic District if it meets one or more of the following criteria:

- A. Contains within its boundaries, a minimum of fifty percent of properties that have been designated to the Claremont Register;
- B. Meets the criteria for listing in the National Register of Historic Places;
- C. Meets the criteria for listing in the California Register of Historic Resources;
- D. Is a geographically definable area possessing a concentration of historic improvements or thematically related grouping of structures that contribute to each other and are unified by plan, style, or physical development; and embodies the distinctive characteristics of a type, period, region, or method of construction, or represents the work of a master or possesses high artistic values;
- E. Reflects significant geographical patterns, including those associated with different eras of settlement and growth, particular transportation modes, or distinctive examples of a park landscape, site design, or community planning;
- F. Is associated with, or the contributing resources are unified by, events that have made a significant contribution to the broad patterns of local or regional history, or the cultural heritage of California or the United States;
- G. Contains contributing resources associated with the lives of persons important to the City of Claremont, the State of California, or national history;
- H. Qualifies for automatic designation.
  1. Any resource listed in the National Register of Historic Places or the California Register of Historic Resources will automatically be designated as a cultural resource in the Claremont Register.
  2. Any neighborhood or area listed in the National Register of Historic Places or the California Register of Historic Resources will automatically be designated as a Local Historic District in the Claremont Register.

3. Any property identified as a contributing structure to a District listed in the National Register of Historic Places or the California Register of Historic Resources will be considered a contributing structure in the Local Historic District.

#### 4.2.3 Historic Signs

A historic sign, including projected, wall mounted, painted and/or façade signs, shall be considered for designation if it meets one or more of the following criteria:

- A. It is associated with events that have made a significant contribution to the broad patterns of Claremont's or California's heritage;
- B. It embodies the distinctive characteristics of a type, period, region or method of construction, or represents the work of an important creative individual, or possesses high artistic values;
- C. It is associated with people or businesses that are important to the cultural history and/or commercial, civic, or institutional development of the City.

#### 4.2.4 Heritage Trees and Groves

Specific trees, which by virtue of their species, size, age, appearance or historical significance are determined to be outstanding, shall be protected by declaration of Heritage Tree status, and shall be protected by the Claremont Municipal Code and Tree Policies and Guidelines Manual.

A tree shall qualify to be of historic or of cultural significance and of importance to the community if it meets the following criteria:

- A. The tree is visible from publicly accessible location(s); and it meets one or more of the following criteria:
  1. It is one of the largest or oldest trees of the species located in the City;
  2. It has historical significance due to an association with a historic event, person, site, street, or structure;
  3. It is a defining historic resource or significant outstanding feature of a neighborhood.

**4.3 Designation Procedures Notice and Hearing Requirements.** Cultural resources, including historic districts shall be designated by the City Council upon the recommendation of the Architectural and Preservation Commission in the following manner:

- A. **Initiation** Designation of a cultural resource may be initiated by the Architectural and Preservation Commission, by the City of Claremont Planning Division, or by the owner of the property that is proposed for designation. Proposals are brought before the Architectural and Preservation Commission at a public hearing. Owner consent is not required for listing. The Architectural and Preservation Commission uses the criteria outlined in this ordinance to determine whether the property should be listed. Any action by the Architectural and Preservation Commission may be appealed to the City Council. Applications for designation originating from outside the Architectural and Preservation Commission must be accompanied by such historical and architectural information as is required by the Commission to make an informed recommendation concerning the application, together with the fee set by the City Council.
- B. **List** The Architectural and Preservation Commission shall publish and transmit to all interested parties a list of proposed designations and shall disseminate any relevant public information concerning the list or any site, structure, or area contained therein.
- C. **Public Hearing** The Architectural and Preservation Commission shall schedule a public hearing on all proposed designations, whether originating with the Commission or with another party. A public hearing shall be held within (90) ninety days of the secretary to the Commission's receipt of a complete application.
- D. **Work Moratorium** While the Architectural and Preservation Commission's public hearing or the City Council's decision on the Commission's recommendation is pending, the City Council upon the Commission's recommendation may declare a work moratorium. During the moratorium, any work shall not be carried out that would require a permit if the improvement were already designated a



historic resource or if it were already located in a historic district. The work moratorium will end upon the earlier of the City Council's decision on the proposed designation, the moratorium termination date designated by the City Council, or 180 calendar days from the date of commencement of the moratorium.

- E. **Notice** In the case of a proposed designation of a cultural resource, notice of date, place, time, and purpose of the hearing shall be given by first class mail to the applicants and owners and occupants of the property, and to property owners within three-hundred (300) feet of the property, at least ten days prior to the date of the public hearing, using the name and address of such owners as shown on the latest equalized assessment rolls or in other ownership records, and shall be advertised once in a newspaper of general circulation at least ten (10) days prior to the date of the public hearing. The Architectural and Preservation Commission and City Council may also give other notice, as they may deem desirable and practicable. In the case of a proposed historic district, notice of the date, place, time, and purpose of the hearing shall be given by first class mail to the applicants and owners, and occupants of all properties within the proposed district, and to all property owners within three-hundred (300) feet of the proposed boundary, at least ten (10) days prior to the date of the public hearing, using the name and address of the owners as shown on the latest equalized assessment rolls or in other ownership records, and shall be advertised once in a local newspaper of general circulation at least ten days in advance of the public hearing.
- F. **Architectural and Preservation Commission Recommendations**  
After the public hearing, but in no event more than (60) sixty days from the date set for the public hearing, the Commission shall recommend approval in whole or in part or disapproval of the application for designation in writing to the City Council, setting forth the reasons for the decision.
- G. **Approval of Architectural and Preservation Commission Recommendations** The City Council, within sixty days of receipt of the Commission's recommendations concerning proposed designations, shall by ordinance approve the recommendations in whole or in part, or shall by motion disapprove them in their entirety. If the City Council approves a proposed designation, notice of the City Council's decision shall be sent to applicants and owners of a designated property. Notice shall also be sent to planning and building officials and to the secretary to the Commission.
- H. **Failure to Send Notice** Failure to send any notice by mail to any property owners where the address of such owner is not a matter of public record shall not invalidate any proceedings in connection with the proposed designation.
- I. **Amendment or Rescission** The Architectural and Preservation Commission and the City Council may amend or rescind any designation of a historic resource or historic district in the same manner and procedure as are followed for designation.

#### 4.4 Zoning Districts, Allowable Land Uses and Zone-Specific Standards

4.4.1. This section adopts the Zoning Code applied to property in the City and adopts the City's Zoning Map, Chapter 16.409, Zoning Map Administration, as amended, which is on file with the Planning Department. The Zoning Code and Zoning Map are incorporated into this ordinance by reference as though it were fully included here.

4.4.2. **Zoning districts established** The City of Claremont is divided into zoning districts which implement the General Plan.

- A. The primary zoning districts and overlay districts, Chapter 16.063, CVO Claremont Village Overlay District, as amended, are hereby incorporated into this ordinance as shown in the Zoning Map.
- B. The specific plan districts identify areas of the City where allowable land uses, land use permit requirements and development standards are determined by the applicable specific plan or the specific plan document. The specific plan districts are incorporated into this ordinance.

4.5. **Additional Forms of Protection:** The provisions of this ordinance shall apply to cultural resources located within parks, wilderness parks, botanical gardens and other open areas, and shall include districts, sites, buildings, structures, and objects significant in American history, architecture, engineering, archaeology, and culture.

#### 4.6. Additional Effects of Designation:

- A. Limited protection: Environmental review may be required under CEQA if a designated resource is significantly affected by a project.
- B. Local building inspector must grant code alternatives for a designated resource provided under State Historical Building Code.
- C. City may enter into contract with property owner of a designated resource for property tax reduction (Mills Act).
- D. Owner may place his or her own plaque or marker at the site of the designated resource.
- E. See also—Section 6.1 of this ordinance.

### Section 5: Procedures and Criteria for Actions Subject to Review

5.1. In evaluating applications for permits for alteration of an architectural cultural resource, the Architectural and Preservation Commission or the City Council, upon appeal, shall consider the architectural style, design, arrangement, texture, materials, color, and any other factors as outlined in appropriate Design Guidelines. The Commission, or the City Council upon appeal, shall approve the issuance of an alteration permit for any proposed work only if it finds:

- A. With regard to an architectural resource, the proposed work will neither create a significant impact upon the exterior architectural features of the resource nor the historic architectural character, or aesthetic interest or value of such resource or its site, as defined in the ordinance.
- B. With regard to any architectural resource located within a historic district, the proposed work must conform to the Design Guidelines' standards as adopted by the City Council and shall not adversely affect the character of the district.

#### 5.2 Certificate of Appropriateness – Alteration, Relocation and Demolition.

5.2.1 Purpose This section sets forth the process for obtaining a Certificate of Appropriateness ("Certificate") from the Architectural and Preservation Commission for the purpose of authorizing proposed work that may affect individual cultural resources (as defined by this ordinance), or resources within the boundaries of local, state, federal or potential historic districts.

5.2.2 No person shall proceed with demolition, alteration, or relocation of a cultural resource, or new construction affecting such resources, without first obtaining a Certificate of Appropriateness from the Architectural and Preservation Commission. Approval of such work shall be required even if no other permits or entitlements are required by the City, and the Architectural and Preservation Commission's approval or denial of the proposed work shall be deemed a discretionary action under CEQA (California Code of Regulations, Title 14, § 15002(i)).

5.2.3 Intent It is the intent of the City of Claremont that cultural resources will not be the subject of demolition, alteration or relocation without a Certificate of Appropriateness unless an imminent threat, as determined by the Building Official pursuant to Section 5 exists. Review of all applications for a Certificate of Appropriateness shall comply with all applicable state and federal laws and regulations, including without limitation, the California Environmental Quality Act, the National Historic Preservation Act and the National Environmental Policy Act.

5.2.4 Actions Requiring a Certificate of Appropriateness The following actions shall require a Certificate of Appropriateness from the Architectural and Preservation Commission. Performance of any work that falls within the provisions of this article without a Certificate of Appropriateness is prohibited:

- A. Alteration, demolition, relocation, or new construction affecting resources listed in the Claremont Register, or any potential cultural resources;
- B. Any other project referred to the Architectural and Preservation Commission by the City Council, Planning Commission, or City staff.

#### 5.3 Process for a Certificate of Appropriateness

- A. Application The owner or authorized representative requesting a permit for the demolition, alteration or relocation of a cultural resource, or the demolition, alteration or relocation of a cultural resource

within a historic district, shall file an application for a Certificate of Appropriateness on forms provided by the City's Planning Department.

- B. **Emergency Actions** The procedures in Section 5.2.4 shall not apply to demolition, alteration, and relocation requests pertaining to improvements that need expedited evaluation to determine an imminent threat in the interest of the public health or safety.

**5.3.1 Demolition or Relocation of Undesignated Buildings 50 Years or Older.** If a permit is sought for demolition or relocation of a building or structure that is 50 years or older, is not identified as a cultural resource on the Claremont Register, is not the subject of a pending nomination, has not been nominated for listing on the Claremont Register or reviewed pursuant to this section within the past three years, the permit application shall be referred to the Director to determine whether the structure should be nominated for listing on the Claremont Register. The purpose of this paragraph is to ensure that such buildings and structures are properly evaluated prior to their demolition or relocation.

A. **Applicability** Any proposed project submitted to the Planning Department that includes the demolition or relocation of a building or structure that was permitted for construction at least 50 years prior to the date of application for such project shall file a notice of intent to demolish in a form approved by the Director. The determination as to whether a property is a significant historic resource shall require a deposit by the applicant to cover City costs associated with hiring a historic consultant and/or an architectural historian; and/or a deposit to cover the costs associated with the preparation of an Initial Study, Environmental Impact Report, Mitigated Negative Declaration or Negative Declaration.

B. **Procedure** The Director or his/her designee shall review the project involving demolition and confirm that the following materials have been provided including:

1. An intensive level Historic American Building Survey (HABS) that follows the practices established by the National Park Service prepared for the property;
2. Plans for the replacement development project consistent with the standards and requirements of the applicable zoning district;
3. Photo verification that the property has been posted with a notice of intent to demolish.

Upon receipt of the filing materials, the Director or his/her designee will schedule the demolition application for the next available Architectural and Preservation Commission Meeting.

C. **Notice** Public notification shall be provided to the applicant, to all owners of the real property as shown on the County's latest equalized assessment roll, and to all legal occupants located within a 300-foot radius of the subject parcel upon which the intent to demolish is requested.

D. **Determination by Architectural and Preservation Commission** The Commission will make a determination as to whether the property could potentially meet national, state, or local criteria for designation if the property is not already listed as a cultural resource.

1. If the Commission determines, upon review of the filing materials and testimony, that the property is not eligible at the local, state, or federal level, the project involving demolition shall proceed through the City's application process without any further restrictions under this Chapter.
2. If the Commission determines that the property is potentially eligible at the local, state, or federal level, the property shall be added to the Claremont Register and the provisions of Section 5.2, the Procedures for a Certificate of Appropriateness, shall apply to the proposed demolition. If any such resources are potentially affected by a project, the City shall require preparation of the appropriate CEQA documentation.

**5.3.2 Minor Project Review** A Certificate of Appropriateness for alterations to an architectural cultural resource may be obtained through a minor project review by the Director of Community Development or his/her designee if it is limited to any of the following:

- A. Demolition or relocation of non-character-defining features;

- B. Non-contributing additions, garages, accessory structures or incompatible and previously replaced windows, doors or siding material;
- C. Any undertaking that does not change exterior features such as re-roofing if the proposed roofing material is comparable in appearance, color and profile to the existing or original roofing material;
- D. Replacement of windows and doors if the proposed replacements are of the same materials, form, and color as the existing or original windows and doors;
- E. An addition of less than 200 square feet proposed for the side or rear elevations (not visible from the public right-of-way) and does not materially alter the features or have a significant impact on the integrity of a historic resource;
- F. Minor changes to a previously approved Certificate of Appropriateness;
- G. Any other activity determined by the Director or his/her designee that does not materially alter the features or have a significant impact on the integrity of a cultural or historic resource.
- H. **Requirements** The required application materials for minor project review shall include, without limitation: a written narrative of the proposed project, a vicinity map, a site plan, exterior elevations drawn to scale, a window and door schedule, and photographs of the structure and the neighborhood.
- I. **Review Process** After the Certificate of Appropriateness application for minor project review is deemed complete by the Director or his/her designee, the Director, or his/her designee shall evaluate the application to determine its eligibility for minor project review. If the proposed project meets the eligibility criteria for minor project review, the Director or his/her designee shall do one of the following:
  1. **Approve the Certificate of Appropriateness** If the proposed minor project is deemed consistent with the Secretary of the Interior's Standards for the Treatment of Historic Properties and the City of Claremont's adopted design guidelines, the proposed project may be approved; or
  2. **Deny the Certificate of Appropriateness** If the proposed minor project is deemed to be inconsistent with the Secretary of the Interior's Standards for the Treatment of Historic Properties and the City's adopted design guidelines, the Director or his/her designee may deny the Certificate of Appropriateness; or
  3. **Refer to Architectural and Preservation Commission** If the Director, or his/her designee, determines that the proposed minor project requires additional review and/or direction by the Commission, the Director may elect to refer the proposed project to the entire Commission through the Certificate of Appropriateness (Major Project Review) procedure pursuant to Section 5.3.4, below. Such project shall be noticed pursuant to Section 5.3.6, Public Notice Requirements, as an item on the Commission's agenda.

**5.3.3 Exceptions to Requirements for Certificate of Appropriateness** The following items of construction, work, or labor on an architectural cultural resource that are not deemed to be an alteration for the purposes of this article and shall not require a Certificate of Appropriateness:

- A. Painting of any residential or commercial building **unless** prep work would harm the building, e.g. power washing, or sandblasting wood siding; or **unless** painting would negatively affect natural or historic materials not intended for painting, e.g., rocks;
- B. Ordinary maintenance and repair which does not require a building permit;
- C. Landscaping, including sprinkler system work, that does not affect a character-defining feature;
- D. Paving work that does not affect a character-defining feature;
- E. All alterations which are entirely interior and do not affect the exterior of a historic resource, except for interior features that are specifically mentioned as being important in a historic resource designation; and/or
- F. Replacement of existing screens and awnings with the same or substantially consistent materials, form, and shape.

**5.3.4 Major Project Review** The Certificate of Appropriateness application must be accompanied by any required fee and documentation as the City shall require, including without limitation:

- A. **Written narrative** A written narrative of the project indicating the manner and the extent in which the proposed project is consistent with the Secretary of the Interior Standards for the Treatment of Historic Properties and the City of Claremont's adopted design guidelines.
- B. **Landscaping plan** A plan that accurately and clearly displays the following: existing trees on the project site that are subject to this City's adopted tree ordinance; species of all trees and their approximate trunk diameter, height, and condition; proposed final disposition of all existing trees; the extent and location of all proposed vegetation; species and planting sizes of all proposed landscaping along with the provisions for irrigation and ongoing maintenance; an irrigation plan; and indication of all hardscape along with the exterior of all structures and amenities, including colors and materials keyed to a materials and colors board as appropriate.
- C. **Plot plan** A plot plan drawn at an appropriate scale that reflects the proposed project including areas of alteration and/or demolition, property lines, and all recorded or proposed easements and public rights of way. The site plan shall also indicate the footprint of buildings on adjacent properties.
- D. **Floor plan** Structure floor plans and building sections at a scale of at least one eighth inch equals one foot.
- E. **Elevations** Exterior elevations specifying all exterior materials with critical dimensions and existing character-defining features clearly indicated.
- F. **Exterior finishes** Materials, colors, and finishes clearly indicated on elevation drawings and keyed to a materials and colors board including light reflectance values, a clear indication of the appearance, location, and light effects of all exterior lighting fixtures, and a two-point perspective rendering showing proposed structures with profile drawings of the adjoining structures from an eye level elevation.
- G. **Window and door schedule** All doors and windows labeled with symbols that correspond to the labeling on the floor plans and elevations. The door and window schedule is a table containing the following information: existing and new window and door sizes, window and door manufacturer information, exterior finish, fabrication material, operational type, glazing information, divided light details, and window muntin and mullion details when applicable.
- H. **Photographs** Photographs of the site and its surroundings to document the existing conditions and provide a complete understanding of the property and its neighborhood context, include photographs of the site and adjacent properties for a distance of 300-feet from each end of the principal street frontage, as well as properties opposite the subject and adjacent properties. The photos shall be mounted color prints, depicting continuous views along the principal streets, along with a key map provided indicating the relationship of all views to the parcels, streets, and related features.
- I. **Other documentation** Documentation as may be required to understand the history of previous construction on the property including but not limited to: a series of site plans illustrating the chronological order of construction of permitted and non-permitted work, the construction or removal of character defining features, or building permits.
- J. **Modeling** Although not a mandatory requirement, a three-dimensional scale model, a perspective view, or other similar types of graphic information may be recommended for a complete understanding of a proposed project.
- K. The application shall be filed with the Director or his/her designee who shall transmit the same to the Commission upon receipt of a complete application.

**5.3.5 Timing of Review** If the proposed project is exempt from the California Environmental Quality Act, the Architectural and Preservation Commission shall have sixty (60) days from the date of receipt of a complete application from the Director, or his/her designee within which to grant or deny the Certificate of Appropriateness. A continuance may be granted pursuant to agreement by both parties. If any action under this article is subject to the provisions of CEQA, the time in which such action must be taken shall be extended in order to allow time to comply with CEQA. The Architectural and Preservation Commission will be advisory to the Planning Commission on requested variances for properties in the National Register of Historic Places, the California Register of Historic Places and the Claremont Register of Structures of Historic and Architectural Merit.

**5.3.6 Public Notice Requirements** All projects requiring a Certificate of Appropriateness and subject to the Architectural and Preservation Commission's approval shall require public notification. The City shall, no later than ten (10) days prior to the hearing, give notice of a public hearing indicating the place, date, and time of the Architectural and Preservation Commission meeting and shall include a brief description of the proposed project. Public notification shall be provided as follows:

- A. **Hearing Notice to Applicant and Owners** Public notification shall be provided to the applicant and to all owners of real property within a 300-foot radius of the subject parcel as shown on the County's latest equalized assessment roll, and to interested community groups.
- B. **Hearing Notice to Owners of Historic District Properties** Public notification for any project proposed within a historic district or a district listed in the California Register shall be as follows: the public notification described in subsection "A" above, plus the owners of real property as shown on the County's latest equalized assessment roll located within that historic district, and to interested community groups.

**5.3.7 Certificate of Appropriateness Criteria** The following criteria shall apply to all requests for alteration, demolition, and relocation that do not involve an emergency, or an expedited evaluation in the interest of the public health or safety. The Architectural and Preservation Commission shall determine whether to approve or deny the issuance of the certificate based upon the following criteria:

**A. Local Criteria**

1. The purpose of this article as set forth in Section 5.1.
2. City of Claremont Zoning Code.
3. City of Claremont Residential and Commercial Design Guidelines particularly: The design guidelines for alterations and additions to historic residences; the design guidelines for new residential buildings in established neighborhoods that apply to non-contributors; the design guidelines for enhancing existing non-historic residences that apply to non-contributors and properties within any preservation planning district; and the design guidelines for commercial areas.
4. The historic and architectural value and significance of the improvement or natural feature and whether any affected improvement or natural feature is listed in or eligible for listing in the Claremont Register; the California Register of Historical Resources; the National Register of Historic Places; or is otherwise a historic resource.
5. The qualities of the improvement or natural feature including their relation to the street or public way and to other improvements and natural features, the texture, material and color of the improvement in question or its appurtenant fixtures, and the relationship of such features to similar features of other historic resources nearby.
6. The designated neighborhood or historic district including the impact of any proposed demolition, alteration, relocation, or new construction on the criteria and standards adopted by the City Council for historic district designation.
7. With respect to proposed relocations or demolitions, review of the replacement structure to be considered by the Architectural and Preservation Commission and Planning Commission concurrently with the relocation or demolition permit request. A building permit for the replacement structure must be obtained before a historic resource is relocated or demolished.
8. With respect to proposed demolitions, the Architectural and Preservation Commission shall consider whether the resource is of such unusual or uncommon design, texture or materials that it could not be reproduced or be reproduced only with great difficulty and expense or whether retention of such would substantially aid in preserving and protecting the resource, the neighborhood or the historic district.
9. Any applicable report from a historic architect or structural engineer regarding the feasibility of the proposed work, or feasibility of the Architectural and Preservation Commission's suggestions for project revision, subject to peer review by a City consultant.

10. Whether the owner applied for a Certificate of Economic Hardship in accordance with Section 5.3.13.

#### B. National and State Criteria

1. Secretary of the Interior's Standards for the Treatment of Historic Properties and the associated guidelines.
2. The California Environmental Quality Act (CEQA) and its implementing Guidelines and whether the project is consistent with the Secretary of the Interior's Standards for the Treatment of Historic Properties, and is therefore exempt from CEQA under Class 31, which applies to "projects limited to maintenance, repair, stabilization, rehabilitation, restoration, preservation, conservation, or reconstruction of historic resources in a manner consistent with the Secretary of the Interior's Standards for the Treatment of Historic Properties with Guidelines for Preserving, Rehabilitating, Restoring, and Reconstructing Historic Buildings (1995), Weeks and Grimmer." (CEQA Guideline [Cal. Code Regs. Title 14] § 15331).
3. The California Environmental Quality Act (CEQA) and its implementing Guidelines and whether the project would normally qualify for a categorical exemption from CEQA, but the project is subject to CEQA because the project "may cause a substantial adverse change in the significance of a historical resource." (CEQA Guideline § 15300.2(f) [Exception for Historical Resources]; CEQA Guideline § 15064.5(b) [Determining the Significance of Impacts on Historical and Unique Archaeological Resources; definition of "substantial adverse change in the significance of a historical resource"].
4. State Historical Building Code (Title 24, Part 8 of California Code of Regulations)
5. Density Bonuses. Pursuant to California Government Code § 65915, a density bonus requested for a housing development shall not be granted if the City finds that, among other things, the "concession or incentive would have a specific adverse impact, as defined in paragraph (2) of subdivision (d) of Section 65589.5, upon public health and safety or the physical environment or on any real property that is listed in the California Register of Historical Resources and for which there is no feasible method to satisfactorily mitigate or avoid the specific adverse impact without rendering the development unaffordable to low- and moderate-income households." The Architectural and Preservation Commission shall consider the provisions of Government Code § 65915, as it may be amended from time to time, in its review of proposed projects, and in any recommendations made to the Planning Commission.

5.3.8 Certificate of Appropriateness Conditions The Architectural and Preservation Commission may require as a condition of its approval any combination of the following:

- A. Subsequent review of specific items by the Planning Commission;
- B. Documentation appropriate to the project, consistent with the Historic American Buildings Survey/Historic American Engineering Record/Historic American Landscapes Survey (HABS/HAER/HALS) standards of the Department of the Interior;
- C. Retention of one or more facades or elements;
- D. Suspension of a Certificate of Appropriateness for one hundred and eighty (180) days to allow the owner to take steps as it deems necessary to preserve or restore the historic resource, including acquisition of the property (if moving the resource to another location) or removing and saving parts or character-defining features from the resource;
- E. Requirement, in the case of an approved demolition or relocation of a cultural resource, that building permits shall first be issued for the replacement project on the current location, prior to the demolition or relocation of the resource to another location;
- F. Requirement, in the case of an approved demolition or relocation of a cultural resource, that all CEQA documentation was reviewed and approved by the appropriate review authority;

- G. Requirement in the case of an approved demolition or relocation of a cultural resource, that any Mills Act contract formerly existing on the property no longer be in force, pursuant to the cancellation terms in the contract;
- H. Requirement, in the case of an approved demolition of a cultural resource, that owner repay to the City any preservation grants or loans the owner previously accepted from the City as incentives to help preserve the resource;
- I. Any other conditions the Architectural and Preservation Commission deems appropriate on a case-by-case basis.

**5.3.9 Certificate of Appropriateness Findings** The Certificate of Appropriateness shall be denied if the Architectural and Preservation Commission cannot make the required findings listed below.

**A. Mandatory Findings** In order to approve a Certificate of Appropriateness, the Architectural and Preservation Commission shall make all the mandatory findings as follows:

- 1. The project is consistent with the goals and policies of the General Plan.
- 2. The project is consistent with the applicable criteria identified in Section 5.3.7, which the Commission applies to alterations, demolitions, and relocation requests.

**B. Project-Specific Findings** In order to approve a Certificate of Appropriateness, the Architectural and Preservation Commission shall make at least three (3) of the Project Specific Findings listed below:

- 1. The project removes inappropriate alterations of the past;
- 2. The project is appropriate to the size, massing, and design context of the historic neighborhood, or historic district.
- 3. If the project proposes an addition to or enlargement of a structure, the project provides a clear distinction between the new and historic elements of the historic resource or improvement;
- 4. The project restores original historic features in accordance with the Secretary of the Interior Standards for the Treatment of Historic Properties;
- 5. If the project proposes adding substantial new living space (for example: a second story toward the rear of a residence) it preserves the single story [architectural style or building type] character of the streetscape;
- 6. The project enhances the appearance of a structure or other cultural resource without adversely affecting its original design, character, or heritage;
- 7. The project will not adversely affect the character of the historic district or any potential historic district or preservation planning district in which the property is located;
- 8. The project will be compatible with the appearance of existing Improvements on the site and the new work will be compatible with the massing, size, scale, and character-defining features to protect the historic integrity of the property and its environment;
- 9. Relocation as an alternative to demolition of the historic resource is appropriate because of the following: CEQA analysis has been conducted and the owner has provided substantial evidence, as defined in CEQA (Public Resources Code § 21080(e)), demonstrating that no feasible alternative exists that would avoid a significant adverse impact on the resource; relocation is required to prevent destruction of the resource at its current location; the new location is compatible with the historic resource's original character and use; upon relocation, the resource retains its historic features and compatibility in orientation, setting, and general environment; if re-located within the City of Claremont, the receiving location is appropriately zoned; the relocation is part of a definitive series of actions that will assure preservation of the historic resource;
- 10. Demolition of the cultural resource is appropriate because of the following: CEQA analysis has been conducted and the owner has provided substantial evidence, as defined in CEQA (Public Resources Code § 21080(e)), demonstrating that no feasible alternative exists that would avoid a significant adverse impact on the resource; the owner is approved for a Certificate of



Economic Hardship; the size, massing and scale of the replacement structure is harmonious with other improvements and natural features that contribute to a historic district, a potential historic district, or the neighborhood character.

**5.3.10 Expiration of Certificate of Appropriateness** A Certificate of Appropriateness shall lapse and become void twenty-four (24) months (or shorter period if specified as a condition of approval) from the date of final approval, unless a building permit (if required) has been issued and the work authorized by the Certificate has commenced prior to such expiration date and is diligently pursued to completion. Upon application by the property owner before the expiration of a Certificate of Appropriateness, the Architectural and Preservation Commission may extend the expiration date of the Certificate for an additional period of up to twelve (12) months. The Commission may approve with conditions, or deny any request for extension.

**5.3.11 Revocation or Modification of Certificate of Appropriateness**

A Certificate of Appropriateness may be revoked or modified for any of the following reasons:

- A. Noncompliance with any terms or conditions of the Certificate;
- B. Noncompliance with any provisions of this article; and/or
- C. A finding of fraud or misrepresentation used in the process of obtaining the Certificate.

Proceedings to revoke or modify a Certificate may be initiated by motion of the Architectural and Preservation Commission or City Council. Once revocation proceedings have been initiated and written notice provided to the property owner, all work being done in reliance upon such Certificate or associated permits shall be immediately suspended until a final determination is made regarding the revocation.

The decision to revoke or modify a Certificate of Appropriateness shall be made by the Architectural and Preservation Commission following a public hearing, with written notice provided to the property owner at least ten (10) days prior thereto. The Commission's decision may be appealed to the City Council, as provided below.

**5.3.12 Appeal of a Certificate of Appropriateness** Any person aggrieved by the Architectural and Preservation Commission's approval or denial of a Certificate of Appropriateness may appeal the Commission's decision to the City Council.

- A. Within ten (10) calendar days from the effective date of the Commission's decision, the appellant shall file his/her written letter of appeal and shall pay a filing fee, as determined by resolution of the City Council, with the City Clerk.
- B. Within the appeal period identified in paragraph "A" above, a member of the Council may request to review a decision of the Commission. The request shall not state that an error has been made or otherwise suggest that the Council member seeking review has predetermined the matter to be heard by the Council.
- C. The appeal shall set forth the grounds relied on by the appellant. Upon receipt of the written letter of appeal and payment of the applicable filing fee, the City Clerk shall place the matter upon the City Council agenda for a regularly scheduled meeting of the Council in accordance with Section 2.65(E)(7), Public Notice Requirements, of this section.
- D. Within sixty (60) days following the filing of a written appeal, or as soon as practicable, the City Council shall conduct a public hearing to review the decision of the Commission. At any time prior to its final decision, the Council may refer the matter back to the Commission for further consideration. The council shall set the matter for hearing and shall give written notice by certified mail addressed to the owner, of the time and place for the hearing, at least ten days prior to the date thereof.
- E. At the time set for the hearing, the appellant and any other interested parties shall be given a reasonable opportunity to be heard in order to show cause why the decision of the Commission should be reversed or modified. The City Council may reverse or affirm wholly or partly, or may modify the decision of the Commission, and may impose such conditions as the facts warrant, and its decision shall be final. Any hearing may be continued from time to time.

**5.3.13 Certificate of Economic Hardship** In considering the appropriateness of either demolition or alteration, the Architectural and Preservation Commission shall approve or conditionally approve a Certificate of Appropriateness if it finds that such historic resource cannot be remodeled or rehabilitated in a manner which

would allow a reasonable use of or reasonable return on investment from the property to the owner. If the project is subject to CEQA, the Certificate of Economic Hardship shall not be granted until all CEQA review has been conducted in accordance with law.

A. **Documentation** The Architectural and Preservation Commission may solicit expert testimony or require that the owner submit any or all of the following information before the Commission makes a determination on the application for a Certificate of Economic Hardship:

1. The past and current use of the property;
2. The proposed future use of the property;
3. The original purchase price and date purchased;
4. The current assessed value of the property;
5. The estimated market value of the property, evaluated by an independent party experienced with appraising cultural resources, prepared within three months before submitting the application for a Certificate of Economic Hardship to the Commission: in its current condition, after completion of the proposed project, after any changes recommended by the Commission, and, in the case of proposed demolition after renovation of the existing property for continued use;
6. The current outstanding mortgage debt encumbering the property identifying principal balance, interest rate, and monthly payment amounts;
7. For income-producing property, its immediate past three-year history of income and expenses;
8. Form of ownership or operation of the property, whether sole proprietorship, for profit or not-for-profit corporation, limited partnership, limited liability company, joint venture or other;
9. An estimate of the cost of the proposed project and of any additional cost that would be incurred to comply with the recommendations of the Commission;
10. A report from a historic architect or structural engineer with experience in rehabilitation as to the structural soundness of any structures on the property and their suitability for rehabilitation;
11. In the case of proposed demolition, an estimate from a historic architect, developer, real estate consultant, appraiser or other real estate professional experienced in rehabilitation, as to the economic feasibility of rehabilitation or reuse of the existing structure on the property;
12. Such other information of applicant or principal investors in the property, considered necessary by the Commission to determine if there is a reasonable return to the owner; and/or
13. Evidence that the owner has made serious efforts to sell or rent the property to no avail, and has taken advantage of all available financial and land use incentives.

#### 5.3.14 Certificate of Appropriateness Not Required— Work Related to Public Health or Safety

A. **Necessary Work Posing an Imminent Threat** Where it is determined by the Building Official that alteration, demolition, or relocation of an improvement or cultural resource that is subject to this article may be immediately necessary in the interest of the public health or safety, and that bracing, shoring, or isolation will not mitigate the danger to public health and safety, or to adjacent property, a Certificate of Appropriateness shall not be required if the following procedures are implemented:

1. **Determination of imminent threat.** Within twenty-four (24) hours of making a determination of the imminent threat to the public health or safety, the Building Official shall provide a written statement of evaluation to the property owner and the Architectural and Preservation Commission. The written statement shall contain an itemization of the following observations:
  - a. The structural and/or environmental conditions upon which the determination of imminent threat has been made;
  - b. An assessment of the immediacy of the action and whether demolition, in whole or in part, is a possible abatement method;

- c. The age of the building;
  - d. An assessment of the resource's eligibility for the National Register of Historic Places (if available); and
  - e. All assessments and engineering evaluations of cultural resources made pursuant to this Ordinance shall utilize the State Historic Building Code and the Uniform Code for Building Conservation.
- B. Abatement of Imminent Threat** Where the Building Official has determined by inspection that a cultural resource structure, in whole or in part, is in imminent danger of collapse or poses a significant risk to life and/or property, the Building Official shall order the immediate abatement of the dangerous condition as follows:
- 1. **Abatement by Repair** Within eight (8) calendar days of the Building Official's determination of imminent threat, the owner shall abate the danger by isolation, shoring and/or bracing to mitigate the danger to public health and safety.
  - 2. **Abatement by Demolition** If the evidence shows that bracing, shoring or isolation will not mitigate the danger to public health and safety, the procedure to abate the imminent threat by demolition shall be as follows:
    - a. Within eight (8) calendar days of the Building Official's determination of imminent threat, the property owner shall meet and confer with the Building Official, the Architectural and Preservation Commission, or Director as acting authority if the Commission is unavailable, to reach an agreed upon course of action about the imminent threat. Such action may require the removal of structural features to a point where stability can be assured by a civil or structural engineer, and a plan to stabilize and/or reconstruct the structure and preserve any character defining features. If such course of action is agreeable to the property owner, the Commission or Director, and the Building Official, the Building Official may place a stay on the demolition and order the implementation of the stabilization/reconstruction plan within 30 calendar days.
    - b. Where there is no agreement on a course of action within eight (8) calendar days of the Building Official's determination of imminent threat, the Building Official shall order the cultural resource be demolished, in part or in full, and authorize the issuance of a demolition permit.
    - c. **Photo Documentation.** Prior to the issuance of a permit for demolition, the owner shall have the cultural resource and/or character-defining feature(s) photographed to the satisfaction of the Director and in accordance with Historic American Buildings Survey (HABS) or HABS-like recordation standards, if possible. Any architectural detail uncovered during a demolition shall also be photographed to the satisfaction of the Director. The photographs and photographic record shall be submitted to the City Planning and Building Department and Claremont Heritage.

### 5.3.15 Maintenance of Cultural Resources

- A. Maintenance:** The owner, lessee, or other person in actual charge of a cultural resource shall comply with all applicable codes, laws and regulations governing the maintenance of property. It is the intent of this section to preserve from deliberate or inadvertent demolition, partial demolition, or demolition by neglect the exterior features of buildings designated a cultural resource, and the interior portions thereof when such maintenance is necessary to prevent deterioration and decay of the exterior. All such buildings shall be preserved against such decay and deterioration and shall be free from structural defects through prompt corrections of any of the following defects:
- 1. Facades which may fall and injure members of the public or property;
  - 2. Deteriorated or inadequate foundation, defective or deteriorated flooring or floor supports, deteriorated walls or other vertical structural supports;

3. Members of ceilings, roofs, ceiling and roof supports or other horizontal members which sag, split or buckle due to defective material or deterioration;
4. Deteriorated or ineffective waterproofing of exterior walls, roofs, foundations or floors, including broken windows or doors;
5. Defective or insufficient weather protection for exterior wall covering, including lack of paint or weathering due to lack of paint or other protective covering; or
6. Any fault or defect in the building which renders it not properly watertight or structurally unsafe.

## Section 6: Economic Incentives

6.1 The City of Claremont may offer the following incentives to the owner(s) of property meeting the criteria for designation in order to encourage their participation in the preservation program:

1. A reduction in property taxes through the Mills Act process;
2. Relaxation of development standards for additions to designated structures and/or property;
3. A reduction in the fees for the appropriate building permits required to do improvements;
4. Expedited processing of permit applications;
5. If located in the Village District, relaxation of development standards for improvements to designated structures and/or property;
6. Inclusion in materials and social media to be distributed to residents and tourists;
7. Identification plaques for designated improvements;
8. Use of the California Historical Building Code; and/or
9. Such other incentives as the City Council may from time-to-time implement.

Other economic incentives may be available through:

1. Federal Rehabilitation Tax Credits.
2. SB 451, California Historic Tax Credits

6.2 Resolution No. 2012-75, Resolution 200-157 and Resolution 2009-04 establishes the Mills Act procedure and qualifying criteria for approval of historical property contracts for the citizens of the City of Claremont. Resolution No. 2012-75, as amended, is incorporated into this ordinance in its entirety, including its implementing documents: Application Form, Application Checklist, Mills Act Contract Guide and Estimated Property Tax Savings Worksheet and is attached as Appendix A to this Ordinance.

## Section 7: Appeal Procedure

7.1 Each of the following actions by the Architectural and Preservation Commission may be appealed to the City Council:

1. A determination by the Commission that an application for the designation of a historic resource or district does not merit formal consideration by the Commission, and a determination therefore not to schedule a public hearing.
2. A decision of the Commission, after a public hearing, to approve, in whole or in part, or disapprove the designation of a historic resource.
3. A determination of the Commission, after a public hearing, amending, modifying or rescinding any decision to designate a cultural resource or any preliminary or supplemental designations, determinations or decisions, as additions thereto.
4. A decision of the Commission to approve in whole or in part or disapprove an application for a Certificate of Appropriateness.
5. Any decision of the Commission relating to a cultural resource.

6. The approval or disapproval of an application of a cultural resource, historic district or Certificate of Appropriateness that occurred as a result of the expiration of the required time periods for processing such applications.

## Section 8: Enforcement and Penalties

8.1 A violation of any provision of this chapter is expressly prohibited and is punishable as a misdemeanor pursuant to Section 1.12.020 of the Claremont Municipal Code.

8.2 In addition to any other remedies provided herein, any violation of this chapter may be enforced by civil action brought by the city. Remedies under this chapter are in addition to, and do not supersede or limit, any and all other civil or criminal remedies. The remedies provided for herein are cumulative and not exclusive. In any such action, the city may seek as appropriate, any or all of the following remedies:

1. A temporary or permanent injunction, or both;
2. Assessment of the violator for the costs of any investigation, inspection or monitoring survey that led to the establishment of the violation, and for the reasonable costs of preparing and bringing legal action under this subsection; and/or
3. Assessment of the violator of civil penalties pursuant to Chapter 1.12, General Penalty of the Claremont Municipal Code.

8.3 In addition to any other remedies provided herein, in the event a designated cultural resource, a resource pending designation as a cultural resource, a potential cultural resource, or a protected interior is completely or partially demolished in violation of this chapter, as a penalty no building or construction related permits shall be issued for the property upon which the demolition took place for a period of three (3) years from the date of demolition. Said penalty shall be issued and enforced either by the city council following a public hearing, or by a civil action filed by the city attorney and adjudicated by a court of competent jurisdiction. The city shall also record an instrument imposing covenants on real property with the county of Los Angeles that memorializes the time period during which permit issuance is prohibited. A demolition shall be presumed to have occurred on the date the city had actual knowledge of the demolition.

8.4 In addition to any other remedies provided herein, any property that remains undeveloped pursuant to subsection 8.3 shall be maintained in such a manner so as to not constitute a public or private nuisance, or otherwise violate the chapter. The property shall be maintained in a clean and orderly manner free of junk, trash, debris, litter, abandoned or inoperable vehicles, stagnant water, abandoned excavations, appliances and furniture, storage containers, vegetation that is not in a healthy or living state, and overgrown vegetation. Living vegetation, including trees and shrubs, shall be retained and fully maintained, including necessary watering and trimming, during the construction prohibition period. Living grasses and groundcovers shall also be retained and fully maintained and new grass and/or groundcover shall be planted at any areas of bare soil to control dust and erosion. All grasses and groundcovers shall not exceed an overall height of six (6) inches. Additionally, vehicles of any type shall not be parked or stored on the property and no remunerative use of any kind shall be allowed.

8.5 In addition to any other remedies provided herein, in the event a designated historic resource, a resource pending designation as a historic resource, or a potential historic resource is completely demolished in violation of this chapter, any new building(s) or structure(s) proposed for construction on the site after the expiration of the construction permit ban set forth in subsection 8.3 shall be limited to the same footprint, height, and square footage as the demolished building(s) or structure(s). The foregoing notwithstanding, the director of community development shall have discretion to allow deviations from this provision to cure prior nonconforming conditions and to make changes that would benefit the community in order to achieve compliance with the design review guidelines and with this chapter. In the event the owner of a designated historic resource, a resource pending designation as a historic resource, or a potential historic resource that was completely demolished applies to subdivide the property into two (2) or more lots, and proposes to build two (2) or more buildings or structures, after the expiration of the construction permit ban set forth in subsection 8.3, the application shall be considered under the city's subdivision code; provided, however, at least one (1) of the structures shall be limited to the same footprint, height and square footage as the demolished building(s) or structure(s). The design of the remaining one (1) or more structure(s) shall be considered based on the city's design review standards and guidelines.

8.6 In addition to any other remedies provided herein, in the event a designated historic resource, a resource pending designation as a historic resource, a potential historic resource, or a protected interior is partially demolished through removal of one (1) or more character-defining features in violation of this chapter, the missing features shall be reconstructed and/or replaced in kind to match the original in terms of size, proportions, design, details, materials, and overall appearance. In the event that aspects of the original feature(s) cannot be discerned through documentary and/or physical evidence, the Director shall determine the preferred method of reconstruction or replacement.

#### **Section 9: Severability**

If any section, subsection, subdivision, paragraph, clause or phrase in this ordinance, or any part thereof, is for any reason held to be invalid or unconstitutional, such decision shall not affect the validity of the remaining sections or 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 of this ordinance, irrespective of the fact that any one or more sections, subsections, subdivisions, paragraphs, sentences, clauses or phrases may be declared invalid or unconstitutional.

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