



# Claremont Planning Commission

## Agenda Report

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**File #:** 5049

**Item No:** 2.

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**TO:** CLAREMONT PLANNING COMMISSION

**FROM:** BRAD JOHNSON, COMMUNITY DEVELOPMENT DIRECTOR

**DATE:** MARCH 5, 2024

**SUBJECT:**

**PLANNING COMMISSION REVIEW OF DRAFT CULTURAL RESOURCES PRESERVATION ORDINANCE - APPLICANT: THE CITY OF CLAREMONT**

**SUMMARY**

During the 2017 City Council priority setting workshop, public comment and Council discussion led to the creation of an Ad Hoc Committee to consider citywide design guidelines and historic preservation in the context of neighborhoods. The motion included direction for the Ad Hoc Committee to consider whether the work could be completed by the Committee without extensive use of Planning Division staff or a consultant.

The Ad Hoc Committee convened on January 30, 2018, and concluded that much of the work could be completed by the volunteers serving on the Committee along with nominal support from City staff. The Committee then set out to complete the work and met twenty times over a four-year period that concluded December 13, 2021. Volunteers on the committee produced drafts of both an Historic Preservation Ordinance and Citywide Design Guidelines.

Staff has modified the Ad Hoc Committee's draft Preservation Ordinance so that it will be integrated into the Claremont Municipal Code (CMC). The result is a code amendment that creates a new chapter and modifies four existing code chapters. This package of code changes, which make up the draft Cultural Resources Preservation Ordinance (Preservation Ordinance), has been reviewed by the Architectural Commission and is being presented now for review by the Planning Commission. Once the Commission's review is complete, the draft Preservation Ordinance will then be modified to address Commission direction and forwarded to the City Council for review and adoption.

CMC Chapter 16.315.060 requires the Planning Commission to hold a public hearing and render a written recommendation. A draft resolution recommending City Council approval of the Preservation Ordinance is Attachment A to this report.

## **RECOMMENDATION**

Staff recommends the Planning Commission:

- A. Adopt AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF CLAREMONT, CALIFORNIA, ADOPTING AMENDMENTS TO TITLE 2 AND TITLE 16 OF THE CLAREMONT MUNICIPAL CODE TO: AMEND CHAPTER 2.42 TO RENAME THE ARCHITECTURAL COMMISSION TO BE THE ARCHITECTURAL AND PRESERVATION COMMISSION AND MODIFY ITS DUTIES; DELETE SECTION 15.04.020.B AND RENUMBER THE REMAINING SUBSECTIONS; AMEND CHAPTERS 16.300 TITLED “ARCHITECTURAL REVIEW” AND 16.301 TITLED “BUILDING CONSERVATION/DEMOLITION”; ADD A NEW CHAPTER 16.302 TITLED “CULTURAL RESOURCES PRESERVATION”; AND AMEND CHAPTER 16.321 TITLED “APPEALS AND COUNCIL REVIEW”; and
- B. Find this item is exempt from further environmental review under the California Environmental Quality Act (CEQA).

## **ALTERNATIVES TO RECOMMENDATION**

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

- A. Continue the item for additional information.
- B. Express the intent to recommend denial of the ordinance, specifically identifying the Commission’s concerns and refer the matter to the February 28, 2024, meeting for adoption of a formal denial resolution.

## **FINANCIAL REVIEW**

The staff cost to research and modify the ordinance and prepare this report, estimated to be approximately \$24,800, is included in the operating budget of the Community Development Department.

## **ANALYSIS**

Historic preservation has many benefits including building appreciation of local history, fostering civic pride, and bolstering and maintaining property values. While early preservation efforts focused on historic structure preservation, the definition has evolved with increasing use of the term “Cultural Resource”. A cultural resource can be any historic, prehistoric, built, and natural resource that is significant in the history of a city, region, state, or nation. Cultural resources can be man-made or natural features and include: buildings, non-habitable structures or objects, sites of historic events, land formations, heritage trees, historic districts, and more.

### **Background - Preservation in Claremont**

Despite the lack of a formal preservation ordinance, the City of Claremont has a rich history and tradition of protecting historic buildings. Due to decades of excellent work by the Architectural Commission, Claremont Heritage, City staff, and local property owners, Claremont has managed to earn an A+ rating from the Los Angeles Conservancy dating back to 2014. The primary tools that have been used to accomplish this are: a City Design review process that applies to all development in the City, Claremont Heritage’s strong advocacy and education efforts, the creation of a local register of historic properties, and implementation of the Mills Act to provide tax reduction in exchange for preservation of historic residential structures. Historic preservation continues to be

consistently identified as a core value for many in our community. Preserving our cultural and historic resources was recently reaffirmed as one of seven City Council 2024-2026 Priorities.

### Early Efforts

Early preservation efforts in Claremont were focused on preserving the City's oldest residential neighborhoods by cataloging historic structures to record and highlight their history. In 1976, local volunteers formed Claremont Heritage, a non-profit devoted to the preservation of the City's history and character. The group compiled a list of historic properties and structures that would become the Register of Structures of Historic or Architectural Merit in Claremont (the Claremont Register), which is now the official list of properties in the City that have been designated by the City Council as cultural resources. The Claremont Register was first adopted by the City Council in 1980 and several additional batches of properties were approved for listing in the Register by the Council in subsequent years. There were no written procedures or criteria for approving additions to the Claremont Register until 1998, when the Council approved a set of criteria that now appear to be overly broad when compared to state and federal preservation best practices. The Claremont Register currently includes approximately 1,150 properties.

The consent of the owner has never been required prior to listing a property in the Claremont Register. This has never been controversial as listing of a property in the Claremont Register has been relatively non-threatening to property owners since it did not prevent the owner from altering or demolishing resources and did not include additional review procedures that were not already required of all properties. Being listed required only recordation of the listing with the County Recorder's Office and a ninety-day delay prior to demolition of a listed structure.

### Historic Districts

The City has modified the zoning for three districts to both recognize and help retain their unique historic character. These zoning districts, which are informally classified as historic districts, have modified development standards (setbacks, height limits, and lot coverage), as well as lower thresholds for projects that require commission-level design review. These unique zoning districts are:

- Historic Claremont (HC), which includes the residential neighborhood located north of the Claremont Village;
- Claremont Village (CV), which was established in 1978 and also includes a set of design guidelines and structure assessments that were approved in 1978; and
- Arbol Verde (AV), which is located to the northeast of the intersection of Mills Avenue and First Street and includes the remaining portions of one of Claremont's two original barrios.

In addition to these zoning districts, there are at least three groups of structures that are formally identified on the Claremont, State, or National Register as historic and can also be considered districts. These include: Russian Village, the Scripps College Campus, and Intercultural Council Housing (ICC) in Arbol Verde.

### Evolution of Preservation Practices

Historic preservation practices have evolved since Claremont first initiated the Claremont Register and its listing criteria. As noted, our current listing criteria are overly broad and there are concerns that the City lacks sufficient controls to prevent a truly landmark structure from being altered or

destroyed by a determined property owner.

Perhaps even more significant is a trend among the state legislature and courts to curtail the ability of local governments to utilize subjective judgement in making land use and design review decisions. Claremont's past success has depended heavily on the skills of its staff and a sound relationship with local preservation advocates guiding development on or around its cultural resources by utilizing the procedures and often-subjective criteria contained in Chapter 16.300 of the Claremont Municipal Code. With the recent passage of several State laws designed to spur new housing and denser development, the City is being increasingly required to utilize only objective criteria in reviewing new development. Preservation Ordinances can be a helpful tool to retain some local control over our most important cultural resources. In order to be effective, preservation rules need to be clearly defined and based in professional best practices. The procedures in the draft Preservation Ordinance are intended to implement the types of practices that are needed for legally defensible regulation of development within or adjacent to legitimate cultural resources.

The California Environmental Quality Act (CEQA) has also impacted preservation practice. Being listed on the Claremont Register does not necessarily change the need for an Environmental Impact Report (EIR) before demolition. The loss of a structure listed on the Register is not always determined to be a significant environmental impact, and conversely, just because a structure is not listed on the Claremont Register does not mean it is not an important cultural resource to the community. Proposed demolitions are frequently part of larger new development projects and, therefore, must be included in the environmental review for the larger project.

### Benefits of Being Designated a Cultural Resource and Listed in the Claremont Register

The primary benefit of being formally designated a Cultural Resource and listed on the Claremont Register is the ability to qualify for a Mills Act tax reduction in exchange for preserving the historic structure. Listing/designation also allows owners to use the State Historical Building Code that provides for more permissive construction alternatives to current building codes. Other benefits to property owners may include design assistance from Claremont Heritage, and the recognition of being an important property due to historical or architectural merit.

### Owner Consent

The draft Preservation Ordinance does not require owner consent for listing a property on the Claremont Register; however, it does require that owners be notified and provided the opportunity to speak before the Architectural and Preservation Commission. Owners may also appeal any decision by the Commission to the City Council. In drafting their ordinance, the Ad Hoc Committee indicated that the most effective ordinances do not require owner consent as it can result in a veto right of the current owner despite the historic significance of the property. The Committee believed the determining factor for listing a property should be the architectural and/or historical merits of the property, not the owner's preference. This will help ensure that similar properties are treated equally in a manner based on the adopted criteria. It might also be somewhat unfair to allow present owners of non-listed properties to have consent, when owners of previously listed properties and future owners cannot reverse the listing/designation of those properties.

### Background - Ad Hoc Committee

The City Council charged the Ad Hoc Committee with considering design guidelines for commercial and residential structures and historic preservation. On December 19, 2017, the Mayor made

appointments to the Ad Hoc Committee, which included two members each of the following: City Council, Planning Commission, Architectural Commission, and Claremont Heritage/Community Member. Due to the length of the assignment, several members of the Committee rotated off the committee. All persons who served on the Committee are:

Committee Member	Affiliation
Jennifer Stark	City Council
Jed Leano	City Council
Larry Schroeder	City Council
Sam Pedroza	City Council
John Neiuber	Architectural Commission
Mark Schoeman	Architectural Commission
Brian Worley	Architectural Commission
Robert Perry	Architectural Commission
Richard Rosenbluth	Planning Commission
Catherine Curtis	Planning Commission
Leigh Anne Jones	Planning Commission
Mary Stoddard	Heritage
Ginger Elliott	Heritage

The committee’s original draft historic preservation ordinance is attached to this report as Attachment B.

**ADDITIONAL ACTIONS IN SUPPORT OF THE NEW ORDINANCE**

In addition to the draft ordinance, the Ad Hoc Committee has recommended the following actions be taken:

- A. Become a Certified Local Government (CLG) through the State Office of Historic Preservation;
- B. Approve Design Guidelines for protecting the character of the City’s neighborhoods;
- C. Approve Design Guidelines for protecting the architectural character of existing non-historic structures that includes the various types of architecture that are prevalent in the City;
- D. Create a database identifying the character defining features of the City’s various neighborhoods; and
- E. Create guidelines for protecting the historic character of existing historic structures, landscapes, and places.

In addition to these actions staff notes that the following additional actions will be required to fully implement the Preservation Ordinance:

- A. Develop forms and fees necessary to implement the ordinance including, Certificates of Appropriateness and listing applications;
- B. Implement the ordinance with staff time necessary to complete the analysis and reports necessary to process listing requests and applications for work subject to the requirements of the ordinance;
- C. Prepare guidance documents for applicants and the general public; and

- D. Consider completing a new historic resources survey of the entire City to ensure that listed properties meet the new listing criteria and to identify any important cultural resources that are not currently listed.

### **ARCHITECTURAL COMMISSION REVIEW**

The Architectural Commission reviewed the draft Cultural Resources Preservation Ordinance during its February 14, 2024, meeting. During the meeting six members of the public spoke. All in support of the ordinance. The Commission reviewed the details of the draft ordinance with staff, provided mostly supportive comments, requested no changes, and unanimously recommended that the City Council approve the ordinance as currently drafted. The minutes of the February 14, 2024, Architectural Commission meeting are Attachment C.

### **CEQA REVIEW**

This proposed action, adoption and implementation of a citywide Cultural Resources Preservation Ordinance is covered under the General Rule Exemption of the California Environmental Quality Act ("CEQA") for projects that can be seen with certainty that there is no possibility that the action in question may have a significant effect on the environment per CEQA Section 15061 (b)(3) of the CEQA Guidelines as the ordinance is designed to protect and preserve existing cultural resources including historic structures and sites in the City. The adoption of the ordinance is also categorically exempt under Section 15308, Class 8, as it represents an action taken by a regulatory agency (the City) to assure the maintenance, restoration, and protection of the environment (cultural and historic resources). Furthermore, the adoption of the ordinance will not result in construction activities or other direct physical changes or reasonably foreseeable indirect physical changes nor will it result in the relaxation of standards to allow for environmental degradation. Therefore, no additional review is required 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 agenda and staff report for this item have been posted on the City website and distributed to interested parties including Claremont Heritage, Sustainable Claremont, and the members of the Ad-hoc Committee. If you desire a copy, please contact the City Clerk's Office.

Submitted by:

Brad Johnson  
Community Development Director

Prepared by:

Christopher Veirs  
Principal Planner

#### **Attachments:**

- A - Draft Resolution recommending City Council Approval
- B - Original Draft Ordinance by Ad Hoc Committee
- C - Architectural Commission Meeting Minutes of February 14, 2024

**PLANNING COMMISSION RESOLUTION NO. 2024-\_\_**

**A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF CLAREMONT, CALIFORNIA, RECOMMENDING THAT THE CITY COUNCIL ADOPT AMENDMENTS TO TITLE 2 AND TITLE 16 OF THE CLAREMONT MUNICIPAL CODE TO: AMEND CHAPTER 2.42 TO RENAME THE ARCHITECTURAL COMMISSION TO BE THE ARCHITECTURAL AND PRESERVATION COMMISSION AND MODIFY ITS DUTIES; DELETE SECTION 15.04.020.B AND RENUMBER THE REMAINING SUBSECTIONS; AMEND CHAPTERS 16.300 TITLED “ARCHITECTURAL REVIEW” AND 16.301 TITLED “BUILDING CONSERVATION/DEMOLITION”; ADD A NEW CHAPTER 16.302 TITLED “CULTURAL RESOURCES PRESERVATION”; AND AMEND CHAPTER 16.321 TITLED “APPEALS AND COUNCIL REVIEW”. (FILE# 23-CA01)**

**WHEREAS**, during its 2017 priority setting workshop the City Council created an Ad Hoc Committee to consider citywide design guidelines and historic preservation in the context of neighborhoods; and

**WHEREAS**, the Ad Hoc Committee convened on January 30, 2018, and met twenty times over a four-year period that concluded December 13, 2021, and produced a draft Cultural Resources Preservation Ordinance; and

**WHEREAS**, City staff modified the draft ordinance to fit within the Claremont Municipal Code (CMC) as a series of amendments and, in accordance with the provisions of Chapter 16.315 of the CMC regarding code amendments, the City initiated the review and approval of the proposed deletions and amendments to the City’s Municipal Code (“Code Amendment”); and

**WHEREAS**, on February 14, 2024, the Architectural Commission held a duly noticed public hearing regarding the proposed Code Amendment, at which time oral and documentary evidence was introduced along with the written recommendation of the Planning Division of the City of Claremont; and

**WHEREAS**, on March 5, 2024, the Planning Commission held a public hearing regarding the proposed Code Amendment, at which time oral and documentary evidence was introduced along with the written recommendations of the Planning Division and Architectural Commission of the City of Claremont; and

**NOW THEREFORE, THE PLANNING COMMISSION OF THE CITY OF CLAREMONT DOES DETERMINE AND RESOLVE AS FOLLOWS:**

**SECTION 1. Incorporation of Recitals.** The Planning Commission hereby finds that all the facts set forth in the recitals are true and correct and are incorporated as substantive findings of this ordinance.

**SECTION 2. CEQA.** It can be seen with certainty that the proposed Code Amendment has no possibility of having a significant effect on the environment. In the absence of any pending application for any Cultural Resource that might implicate the proposed ordinance, any specific environmental effects would be speculative. Therefore, the adoption of the proposed Cultural Resources Preservation Ordinance is not a project subject to the California Environmental Quality Act (CEQA) pursuant to Section 15061(b)(3) of Title 14 of the California Code of Regulations and as the likely result of the proposed ordinance is a series of actions to maintain, restore, repair, or reconstruct historical resources in a manner consistent with the Secretary of the Interior's Standards for the treatment of historic properties, which is categorically exempt pursuant to Section 15331 of the CEQA Guidelines.

**SECTION 3. Findings and Determinations.** Based upon substantial evidence presented to the Architectural Commission meeting on February 14, 2024, and the public hearing before the Planning Commission on March 5, 2024, the Planning Commission recommends City Council approval of the Code Amendment as set forth in the Exhibit attached hereto and made a part hereof.

**SECTION 4.** The Planning Commission Chair shall sign this Resolution and the Commission's Administrative Secretary shall attest to the adoption thereof.

**PASSED, APPROVED, and ADOPTED** this 5th day of March, 2024.

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Planning Commissioner

ATTEST:

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Planning Commission Secretary



**ORDINANCE NO. 2024-**

**AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF CLAREMONT, CALIFORNIA, ADOPTING AMENDMENTS TO TITLE 2 AND TITLE 16 OF THE CLAREMONT MUNICIPAL CODE TO: AMEND CHAPTER 2.42 TO RENAME THE ARCHITECTURAL COMMISSION TO BE THE ARCHITECTURAL AND PRESERVATION COMMISSION AND MODIFY ITS DUTIES; DELETE SECTION 15.04.020.B AND RENUMBER THE REMAINING SUBSECTIONS; AMEND CHAPTERS 16.300 TITLED “ARCHITECTURAL REVIEW” AND 16.301 TITLED “BUILDING CONSERVATION/DEMOLITION”; ADD A NEW CHAPTER 16.302 TITLED “CULTURAL RESOURCES PRESERVATION”; AND AMEND CHAPTER 16.321 TITLED “APPEALS AND COUNCIL REVIEW”.**

**WHEREAS**, during its 2017 priority setting workshop the City Council created an Ad Hoc Committee to consider citywide design guidelines and historic preservation in the context of neighborhoods; and

**WHEREAS**, the Ad Hoc Committee convened on January 30, 2018, and met twenty times over a four-year period that concluded December 13, 2021, and produced a draft Cultural Resources Preservation Ordinance; and

**WHEREAS**, City staff modified the draft ordinance to fit within the Claremont Municipal Code (CMC) as a series of amendments and, in accordance with the provisions of Chapter 16.315 of the CMC regarding code amendments, the City initiated the review and approval of the proposed amendments to the City’s Zoning Ordinance and corresponding definitions (“Code Amendment”); and

**WHEREAS**, on February 14, 2024, the Architectural Commission held a duly noticed public hearing regarding the proposed Code Amendment, at which time oral and documentary evidence was introduced along with the written recommendation of the Planning Division of the City of Claremont; and

**WHEREAS**, on \_\_\_\_\_ the Planning Commission held a public hearing regarding the proposed Code Amendment, at which time oral and documentary evidence was introduced along with the written recommendations of the Planning Division and Architectural Commission of the City of Claremont; and

**WHEREAS**, after considering the proposed Code Amendment, the staff report, Architectural Commission recommendation, written public comments, and all information, evidence, and testimony received at its \_\_\_\_\_ meeting, the Planning Commission voted \_\_\_\_\_ to adopt Planning Commission No. \_\_\_\_\_ recommending the City Council approve the proposed Code Amendment; and

**WHEREAS**, on \_\_\_\_\_, 2024, the City Council held a duly noticed public hearing regarding the proposed Code Amendment at which time oral and documentary evidence was introduced along with the written recommendations of the Planning Division, Architectural Commission, and Planning Commission of the City of Claremont; and

**WHEREAS**, the City Council has considered the proposed Code Amendment, the staff report, written public comments, and all information, evidence, and testimony received

at the Architectural Commission's February 14, 2024 meeting and the Planning Commission's \_\_\_\_\_, 2024 meeting.

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

**SECTION 1. Incorporation of Recitals.** The City Council hereby finds that all the facts set forth in the recitals are true and correct and are incorporated as substantive findings of this ordinance.

**SECTION 2. CEQA.** It can be seen with certainty that the Code Amendment has no possibility of having a significant effect on the environment. In the absence of any pending application for any Cultural Resource that might implicate the proposed ordinance, any specific environmental effects would be speculative. Therefore, the adoption of the proposed Cultural Resources Preservation Ordinance is not a project subject to the California Environmental Quality Act (CEQA) pursuant to Section 15061(b)(3) of Title 14 of the California Code of Regulations and as the likely result of the proposed ordinance is a series of actions to maintain, restore, repair, or reconstruct historical resources in a manner consistent with the Secretary of the Interior's Standards for the treatment of historic properties, which is categorically exempt pursuant to Section 15331 of the CEQA Guidelines.

**SECTION 3. Findings and Determinations.** Based upon substantial evidence presented to the Architectural Commission meeting (on February 14, 2024), the public hearing before the Planning Commission (on \_\_\_\_\_, 2024), and the public hearing before the City Council (on \_\_\_\_\_, 2024), including written staff reports, staff presentations, written public comments, and verbal testimony, the City Council hereby finds and determines:

1. It is appropriate to amend the Zoning Code City wide to include procedures for the preservation of Cultural Resources.
2. The proposed Code Amendment is consistent with the objectives, policies, general land uses, and programs of the General Plan.
3. The proposed Code Amendment would not be detrimental to the public interest, health, safety, convenience, or welfare. The proposed Code Amendment is being carried out in response to long-standing public concern for preserving Claremont's rich cultural history.

**SECTION 4. Code Amendment.** Based upon substantial evidence presented to the Architectural Commission on February 14, 2024, the Planning Commission on \_\_\_\_\_, 2024, and the public hearing before the City Council on \_\_\_\_\_, 2024, including written staff reports, staff presentations, written public comments, and verbal testimony, the City Council hereby adopts and approves the proposed Code Amendment as set forth below:

***Chapter 2.42 of the Claremont Municipal Code is hereby amended to read as follows (changes printed in RED with additions underlined; deletions ~~struck-out~~):***

## Chapter 2.42 ARCHITECTURAL AND PRESERVATION COMMISSION

### 2.42.010 Powers and duties.

A. The Architectural and Preservation Commission strives to enhance the quality of life of the residents of Claremont by protecting, preserving, and enhancing Cultural Resources; guiding the design and redesign of physical elements; and ensuring the harmonious composition and preservation of visual aspects of the City. The Commission, through its review of development projects, implementation of the City's Cultural Resources Preservation Ordinance (CMC Ch. 16.302), and recommendations on design issues, protects the City's character, sense of place and unique physical environment; maintains the image of Claremont as a community of neighborhoods; encourages the preservation of the City's architectural, historic and cultural resources; ensures the beautification of streetscapes and public areas; and promotes the public health, safety and general welfare of the community. In implementing this charge, the Architectural and Preservation Commission will:

1. Be a liaison among the community, the colleges, applicants for development, and the City government pertaining to design and historic preservation matters.
2. Review and make determinations as necessary on requests from individual residents, developers, and City officials relative to architectural and community design issues.
3. As needed, review and identify community design issues and beautification programs in order to advise the City Council on appropriate work plan items for incorporation into the City budget.

B. The Architectural and Preservation Commission's responsibilities include:

1. To fulfill the mandates given the Commission by the City Council by this Code, the City's general plan, the City's municipal code, and other City ordinances as described in more detail in Chapters 16.300 and 16.302.
2. To encourage the successful intermingling of natural, manmade, and planted features in the community.
3. To foster the strong sense of place and local identity in the community.
4. To encourage well designed new construction and other development that builds upon the existing positive physical characteristics of the community.
5. To make decisions on development proposals that promote and protect the unique identity of residential neighborhoods within the City.
6. To encourage excellence in architectural and landscaping design, and utilize the review criteria in the City's municipal code to ensure that new development is consistent with the integrity and character of the area in which is it located.
7. To encourage citizen participation in design matters and serve as an independent vehicle for gathering citizen comment.
8. To identify, consider and mitigate the environmental impacts of proposals and projects that come before the Commission for review, with the understanding that typically the Planning Commission and/or City Council are the lead decision-makers

for environmental impacts review with the Architectural and Preservation Commission ensuring that the previous findings remain intact given any new information that comes forward at the time of design review.

9. To foster communication among applicants, the community, and the City, and when necessary mediate among competing interests.
10. To encourage developers of new projects creating urban impacts to offset them by participating in programs to provide greenbelts, open spaces, street landscaping, utility undergrounding, and public art.
- ~~11. To recognize, through an awards program, outstanding achievement in architectural design, landscaping and building rehabilitation.~~
11. To promote public art that enhances the aesthetic and cultural quality of the community.
12. To invite artistry and innovation in signs that improve the appearance of the buildings and neighborhoods in which they are placed.
13. To promote the installation and maintenance of landscaping in public and private areas.
14. To encourage the preservation of significant trees in public areas and on private property.
15. To encourage the use of drought-resistant plants where appropriate.
16. To encourage the restoration and re-use of older structures which contribute to Claremont's character and sense of historic and cultural identity.
17. To ensure the preservation of sites, buildings and objects of historic and architectural significance as physical representation of Claremont's historic and cultural heritage.
18. To review all Historical Property Contract (Mills Act) applications and forward a recommendation to the City Council.
19. To review all nominations of structures, buildings, sites, neighborhoods, landscapes, places and objects within the City to the Register of Structures of Historic and Architectural Merit of the City of Claremont.
21. To promote the continuing education of the citizens of Claremont about the heritage of the City and its cultural resources.
22. To advise the City Council on all matters relating to the development and the architectural suitability of all governmental buildings and site developments.
23. To hear appeals of staff architectural review decisions.
24. To act as the board of appeals for appeals of determinations made by the building official regarding unreinforced masonry buildings and necessary structural alterations within the scope of Chapter 58 of the Uniform Building Code as amended by Municipal Code Section 15.04.045.

- 25.** To perform such other appropriate duties related to design matters as may be requested by the City Council.
- 26.** To support incentives for the protection, retention and preservation of Cultural Resources. (18-04, 97-10)

***Section 15.04.020.B of the Claremont Municipal Code, requiring a 90-day delay before issuing a demolition permit for buildings listed on the Register of Structures of Historical or Architectural Merit of the City of Claremont is hereby deleted and the remaining sections shall be renumbered.***

***Chapter 16.300 of the Claremont Municipal Code is hereby amended to read as follows (changes printed in RED with additions underlined; deletions ~~struck-out~~):***

### **16.300.000 INTENT**

The City Council hereby finds that excessive similarity or dissimilarity, inappropriateness or poor quality of design in the exterior appearance of buildings erected in any neighborhood or in the development and maintenance of structures, landscaping, signs, poor passive solar design resulting in excessive energy consumption, and general appearance affect the desirability of the immediate area and neighboring areas for residential and business purposes or other uses, and by so doing impair the benefits of occupancy of existing property in such areas, prevent the most appropriate development of such areas, produce degeneration of property in such areas with attendant deterioration of conditions affecting the health, safety, comfort and general welfare of the inhabitants of the City of Claremont, and destroy the proper relationship between the taxable value of real property in such areas and the cost of municipal services provided therefor.

At the same time, a high level of quality in the design and redesign of the City's physical environment can protect and enhance the livability and investment potentials of the City. New development, properly designed, that does not detract from the quality and character of nearby established development because of architectural style, scale or location, can be a positive addition to the City's environment; historic and architecturally significant sites, properly preserved and restored as physical representations of Claremont's character, can enhance Claremont's historic and cultural heritage; and development with proper consideration for energy conservation can contribute to the City's overall efficiency.

It is the purpose and intent of this chapter to support the community design policies of the General Plan; to guide the design and redesign of the City's physical environment to encourage excellence in architectural design; to protect and enhance the community's character, sense of place, and the identities of Claremont's unique neighborhoods; and to promote the public health, safety and general welfare of the community. (08-05)

### **16.300.010 APPLICABILITY**

A. Any new construction, exterior modifications to existing structures (not including painting), building relocations, and changes in site features including, but not limited to, parking areas, landscaping, walls, outside lighting (including increasing the level of

illumination) and signs shall be subject to the provisions of this chapter, unless specifically exempted from this chapter.

B. The reviewing person or body shall determine if the proposed new development, alteration or change conforms to the provisions of this chapter and shall approve, approve subject to conditions, or deny the proposed project according to the procedures, of this chapter.

C. Unless plans for buildings and structures, and all signs, luminaires, landscaping, irrigation and other features of the site for said building or structure have been approved pursuant to the review procedures of this chapter, no building permit shall be issued for any building, structure or other development of property or appurtenance thereto. (08-05)

## **16.300.020 ARCHITECTURAL AND PRESERVATION COMMISSION**

### A. Responsibilities

In addition to the responsibilities detailed in Section 2.42.010, 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 identified in Chapter 16.302.

### B. 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.

### C. Composition

The City Council shall 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) professional architect; one (1) professional 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 design and/or Claremont's history. An Architectural Commission is hereby established, which commission shall consist of seven members as follows:

One shall be an architect, licensed under the Business and Professions Code of the State of California; two shall be members of the design professions; four may be appointed from the community at large.

### B.D. Rules

The ~~Architectural Commission~~Architectural and Preservation Commission shall adopt rules and regulations for the conduct of its business. Four voting members shall constitute a quorum. Approval, conditional approval, or denial of an application shall be by a simple majority vote. A tie vote on a motion to approve shall constitute a failure of the motion and a denial of the application.

~~CE.~~ The Director of Community Development shall serve as the official secretary to the ~~Architectural Commission~~Architectural and Preservation Commission. The records of all proceedings and the basis for all findings shall be available to the Council and to the public.

~~DE.~~ The ~~Architectural Commission~~Architectural and Preservation Commission shall meet ~~at intervals, at least once each month,~~ on regularly scheduled dates.

~~EG.~~ Civic Center and Other Governmental Buildings

The ~~Architectural Commission~~Architectural and Preservation Commission shall advise the City Council on all matters related to the development of the Civic Center and the architectural suitability of all governmental buildings and site developments.

~~FH.~~ Register of Structures of Historical and Architectural Merit of the City of Claremont

The Register of Structures of Historical and Architectural Merit of the City of Claremont (Register) is a comprehensive ~~historic resource inventory~~Cultural Resource listing of sites and structures in various areas of the City. Information in the Register provides a valuable tool to City staff and commissions in conducting project reviews and to the public for community education. Pursuant to the Historic Preservation Element of the City's General Plan, the Register shall be updated and expanded periodically to include appropriate resources which meet adopted criteria. The ~~Architectural Commission~~Architectural and Preservation Commission is responsible for adopting additions to the Register pursuant to the procedures set forth by resolution of the City Council. (08-05)

### **16.300.030 DESIGN REVIEW RESPONSIBILITIES**

A. In all districts, new construction, modifications to existing development, and site changes shall be reviewed as specified in this section, except for signs and antennas, and as otherwise specified in this title. All signs shall be reviewed as set forth in Title 18. Antennas shall be reviewed as set forth in Chapter 16.100.

B. The following require review and approval by the ~~Architectural Commission~~Architectural and Preservation Commission:

1. New buildings and structures in all districts except in the RS (Residential Single-Family), RR (Rural Residential), and H (Hillside) districts.
2. New non-single-family residential development and single-family dwellings on five or more lots in the RS (Residential Single-Family), RR (Rural Residential), AV (Arbol Verde), and H (Hillside) districts, ~~and new Residential Unit Developments.~~

3. Parking lots for non-single-family residential projects. The review of new parking lots shall include perimeter landscaping and similar site features.

4. Exterior modifications (excluding painting) to all existing non-single-family residential development, all existing residential development in the HC (Historical Claremont) and AV (Arbol Verde Single-Family Residential) districts, when the Director of Community Development determines that the modifications could have a substantial adverse visual impact as viewed from the public right-of-way or adjacent properties, impinge on the privacy of developments in the immediate area, and/or result in development incompatible with the architectural character of the developments in the surrounding area.

5. Relocations of non-single-family residential buildings within and into the City.

6. Any development otherwise requiring review and approval by the ~~Architectural Commission~~Architectural and Preservation Commission pursuant to this Code.

7. Any project subject to review by City staff and referred by the Director of Community Development to the ~~Architectural Commission~~Architectural and Preservation Commission for review and approval.

8. Any action related to preservation of one or more Cultural Resources as required to be reviewed and approved by the Architectural and Preservation Commission under Chapter 16.302, Cultural Resources Preservation.

C. All development not required to be reviewed and approved by the ~~Architectural Commission~~Architectural and Preservation Commission shall require review and approval by City staff including, but not limited to, the following:

1. Exterior modifications (not including painting) to existing single-family developments in the RS (Single-Family Residential), RM (Medium Density Residential), RR (Rural Residential), and H (Hillside) districts.

2. New construction of and modifications to accessory buildings and structures, including, but not limited to, detached garages, patio structures, and new accessory second units.

3. Modifications to existing site features including changes to grading, fencing, walls, pools, hardscape, but not including changes to plant material on single-family residential property.

4. Exterior modifications (excluding painting) to existing non-single-family residential development, and existing residential development in the HC (Historical Claremont) and AV (Arbol Verde Single-Family Residential) districts, when the Director of Community Development determines that the modifications will not have a substantial adverse visual impact as viewed from the public right-of-way or adjacent properties, impinge on the privacy of developments in the immediate area, and/or result in development incompatible with the architectural character of the developments in the surrounding area.



5. Minor additions to existing development that will not significantly alter the appearance of the commercial development, such as automatic teller machines, storefront awnings, and outdoor lighting fixtures.
6. Modifications to interior character-defining features on properties subject to a Historical Property (Mills Act) Agreement, which do not otherwise require review and approval by the ~~Architectural Commission~~Architectural and Preservation Commission.
7. Relocation of single-family residential buildings within the City and into the City, which are not subject to the requirements of Chapter 16.302. (12-01; 09-11)
8. Any action related to preservation of one or more Cultural Resources as required to be reviewed and approved by City staff under Chapter 16.302.

### **16.300.040 PROCEDURE FOR COMMISSION REVIEW**

#### **A. Application Filing**

1. Applications for ~~Architectural Commission~~Architectural and Preservation Commission review shall be made on forms provided by the Department of Community Development together with any applicable fees. The application shall be accompanied by plans and exhibits as required by department staff.
2. For new single-family residential development in which the proposed size of the main residential structure is equal to or greater than 85 percent of the maximum square footage allowed by this title, a 3-D image of the proposed construction shall be required. The Director of Community Development may waive the requirement for a 3-D image for minor building additions that the Director determines will not have a significant visual impact as viewed from the public right-of-way or adjacent properties.

#### **B. Reapplication**

A person may not file and the Department of Community Development shall not accept an application which is the same as or substantially the same as an application upon which final action has been taken by the City of Claremont within 12 months prior to the date of said application, unless accepted by a motion of the ~~Architectural Commission~~Architectural and Preservation Commission or City Council.

#### **C. Architectural Review Fees**

Fees shall be established by resolution of the City Council.

#### **D. Application Screening**

Upon receipt of an application for ~~Architectural Commission~~Architectural and Preservation Commission review, staff shall review the application and inform the applicant as to the completeness of the submittal and of additional materials required, if any. Department staff shall also determine whether the proposed development:

1. is in accordance with the review responsibilities of the Commission specified in this chapter; or
2. impacts or otherwise relates to a Cultural Resource in a manner that causes it to be subject to review under Chapter 16.302, Cultural Resources Preservation.

#### E. Notice Requirements

Upon receipt of a complete application, if the Director determines that proposed development could have an adverse impact on existing development or result in development incompatible with the architectural character of development in the immediate area, notice of the development shall be mailed to all owners of properties that could be affected. The notice shall state that the application will be reviewed by the ~~Architectural Commission~~Architectural and Preservation Commission. Notices shall be sent not less than ten days prior to any action taken on the application by the ~~Architectural Commission~~Architectural and Preservation Commission. Additional noticing may be required for development that impacts or otherwise relates to a Cultural Resource as required in Chapter 16.302, Cultural Resources Preservation.

#### F. Commission Review and Decision

Once an application is complete, All these all development proposals requiring ~~Architectural Commission~~Architectural and Preservation Commission approval shall be forwarded to the ~~Architectural Commission~~Architectural and Preservation Commission for their consideration at their next available meeting, considering any required environmental review and public notice requirements. The hearing may be set for a later date with consent of the applicant.

The ~~Architectural Commission~~Architectural and Preservation Commission shall act expeditiously on all applications. The Commission shall determine if the proposed development conforms to the provisions of this ~~title~~chapter and shall accordingly grant approval of the application, grant approval subject to conditions, or deny the application.

In reviewing and making decisions on proposed development, the ~~Architectural Commission~~Architectural and Preservation Commission shall consider the economic, social, and environmental sustainability of the community. The Commission shall balance community goals of building a strong local economy that provides employment and generates revenue to support City services, preserving and enhancing the City's heritage, unique character and quality of life, and promoting sustainable design practices in homes and neighborhoods ~~s~~ environmentss.

#### G. Conditions of Approval

1. Conditions of approval may be applied when the proposed design does not comply completely with the required review criteria and shall be directed towards bringing said design into conformity with the criteria.
2. Any noncompliance with any condition on an approval by the ~~Architectural Commission~~Architectural and Preservation Commission shall constitute a violation of this title.

## H. Application Denial

When a proposed application does not meet the required review criteria, and cannot be conditioned to comply with said criteria, the application shall be denied. The applicant shall be notified of the criteria which are deemed not to be met. (09-11; 08-05)

## 16.300.050 REVIEW OF PLANS

### A. Optional Preliminary Review of Schematic Plans

The applicant may submit to staff or the ~~Architectural Commission~~Architectural and Preservation Commission a preliminary site plan, elevations, sketches, or other schematic plans for preliminary review, comments, and general direction before submitting plans for approval.

### B. Review of Plans for Approval

The applicant shall submit for approval all plans determined necessary by staff or the ~~Architectural Commission~~Architectural and Preservation Commission to assure that the proposed project meets the applicable review criteria of this chapter. The applicant may also choose to submit the final detailed plans at this time.

If final detailed plans are not submitted at the time of approval of the proposed project, the approval of such project shall be conditioned on the approval of the final detailed plans.

### C. Final Detailed Plans

Final detailed plans shall include all plans reviewed and required by the ~~Architectural Commission~~Architectural and Preservation Commission, and other plans and specifications staff may determine to be reasonably necessary for a complete review and understanding of the proposed development.

1. Final detailed plans not included in the review per subsection B of this section shall require formal action by staff or the ~~Architectural Commission~~Architectural and Preservation Commission.
2. For projects approved by the ~~Architectural Commission~~Architectural and Preservation Commission, the final detailed plans shall be reviewed by staff to determine consistency with the approved plans, excepting, however, staff shall refer to the ~~Architectural Commission~~Architectural and Preservation Commission any final detailed plans that, as a condition of approval, were required to be referred back to the Commission for review.
3. Any decision on final detailed plans may be appealed pursuant to the procedures of this chapter ~~for~~ regarding appeals.

### D. Changes to Approved Plans

Any changes or revisions to approved plans shall be subject to approval by staff. Whenever staff determines that changes and alterations to plans approved by the ~~Architectural Commission~~Architectural and Preservation Commission are significant or could materially change the quality and character of the proposed project, such changes and alterations shall be referred to the ~~Architectural Commission~~Architectural and Preservation Commission for review. (08-05)

### **16.300.055 PROCEDURE FOR STAFF REVIEW**

#### **A. Staff Review and Notice of Development in All Districts**

1. Prior to issuance of a building permit for a development proposal requiring staff review, staff shall review such proposal to determine compliance with the intent of this chapter and conformity with the standards of this title and other applicable ordinances, regulations and policies.
2. Staff shall require such plans and specifications it determines necessary for a complete review and understanding of the proposed development.
3. If the Director determines proposed development could have an adverse impact on existing development or result in development incompatible with the architectural character of development in the immediate area, notice of the development shall be mailed to owners of properties that could be affected. The notice shall state that staff is reviewing the development proposal. Such notices shall be sent not less than ten days prior to any action taken on the proposed development by staff.

4. Additional notice may be required for projects subject to the requirements of Chapter 16.302, Cultural Resources Preservation.

#### **B. Staff Conditions**

Staff may apply any conditions on a development proposal that it determines necessary to ensure compliance with the required review criteria, the intent of this chapter, or conformity with any applicable ordinances and regulations.

#### **C. Staff Referral**

The Director may refer any development proposal that staff is authorized to review to the ~~Architectural Commission~~Architectural and Preservation Commission for architectural review. (09-11)

### **16.300.060 REVIEW CRITERIA**

#### **A. General Review Criteria**

1. Conformity with Development Standards

The proposed development is in conformity with the development standards of this title and other applicable ordinances and regulations, except where deviations have been approved pursuant to other sections of this title.

2. General Plan Consistency

The proposed development is consistent with the goals and policies of the City's General Plan, and any adopted specific plans, approved master plans, and/or approved development plans.

3. Compatibility of Form with Surrounding Development

The design of the proposed development will not unduly interfere with or visually dominate the established development pattern of the surrounding area and is compatible with existing development in terms of scale, height, and massing.

4. Compatibility of Quality with Surrounding Development

The proposed development's exterior design and appearance including exterior materials, ornamentation and trim are of a quality and architectural character that is compatible with or an enhancement to the surrounding development.

5. Internal Consistency of Design

All building elevations of the proposed development are architecturally treated in a consistent manner, including the incorporation within the side and rear building elevations of some or all of the design elements used for the primary facades.

6. Privacy

The proposed development is designed to respect the privacy of adjacent residential properties to the greatest extent possible.

7. Internal Circulation

The site plan and design of the proposed development provide for adequate and safe vehicular, pedestrian, and bicycle circulation.

8. Sustainability

The proposed building and site development are energy and water efficient, meet applicable sustainability codes and guidelines adopted by the City, and will help the City achieve its sustainability targets.

9. Tree Preservation

The proposed development is designed to preserve and/or retain on-site significant mature trees to the greatest extent possible. Removal of significant trees shall be

avoided, except where such trees have been determined to be of poor health or where retention is economically infeasible.

#### 10. Light and Air

The proposed development will not unreasonably impinge on neighbors' existing access to light or use of prevailing winds for natural ventilation, or cast a shadow over an existing solar energy system (active or passive).

#### ~~11. Environmental Protections~~

~~The proposed development has been reviewed pursuant to the requirements of the California Environmental Quality Act (CEQA), and meets the environmental protective standards in Chapter 16.154 of this title.~~

#### 11. Cultural Resource Preservation

The proposed development is in conformity with the requirements of the Claremont Cultural Resources Preservation Ordinance (Chapter 16.302) and has satisfied or is in the process of satisfying all applicable requirements of that code.

#### 12. Health and Safety

The visual effect of the development from view from the public streets will not be detrimental to the public interest, health, safety, convenience, or welfare.

#### B. Additional Criteria for Development in CV District

New development and modifications to existing structures and sites in the CV District shall also be subject to the finding that the proposed project is in conformance with the Claremont Village Design Plan in addition to the criteria in subsection A of this section.

#### C. Additional Criteria for Sites Listed on Local Register in AV Districts

For sites in the AV Districts that are listed on the Claremont Register of Sites of Historic or Architectural Merit (Local Register), all modifications to structures and site shall be subject to the Secretary of the Interior's Standards for Rehabilitation and Guidelines for Rehabilitating Historic Buildings and subject to the requirements of Chapter 16.302, Cultural Resources Preservation.

#### D. Development in RR Districts

New development and modifications in the RR Districts shall also be subject to the Rural Claremont Architectural and Landscape Standards. (14-04; 09-11)

### **16.300.080 APPEAL OF ACTION**

Any decision by staff or the ~~Architectural Commission~~Architectural and Preservation Commission, or any condition imposed by the staff or the ~~Architectural Commission~~Architectural and Preservation Commission, may be appealed in accordance with the procedures in Chapter 16.321, Appeals and Council Review. Filing of an appeal shall suspend the issuance of a building permit pursuant to the decision until action is taken on the appeal. ~~(08-05) Appeals of decisions subject to both this chapter and Chapter 16.302, Cultural Resources Preservation, shall be consolidated and heard at the same meeting.~~ (08-05)

## **16.300.090 EXPIRATION**

### **A. General Project Approval Timeframes**

Any approval (excepting master architectural reviews) granted under the provisions of this chapter, including approvals granted pursuant to the Rural Claremont Landscape and Architectural Standards, shall be valid for two years. If necessary building permits have been issued and construction work is commenced on an approved development project prior to the expiration of the approval, the approval will remain valid provided construction continues at a commercially reasonable pace, in light of all relevant circumstances, as determined by the Director of Community Development.

### **B. Extension of Time**

An extension of time beyond the two year time limit may be granted by the reviewing person or body who issued the original approval, upon written request from the applicant, when a finding can be made that the applicant could not avoid the delay.

### ~~C. Development Projects Approved Prior to November 30, 1989~~

~~1. All development approvals granted prior to November 30, 1989, under the provisions of this chapter, will expire January 1, 1991 or two years from the date the approval was granted, whichever occurs later, unless the development approval was for a shorter time period by conditions of approval. If necessary permits have been issued and construction work is commenced on an approved project prior to the expiration of the approval, the approval will remain valid provided construction continues at a commercially reasonable pace, light of all relevant circumstances, as determined by the Director of Community Development.~~

~~2. All development approvals in the RR Districts granted under the provisions of the Rural Claremont Architectural and Landscape Standards prior to January 9, 1992 will expire January 9, 1992 or two years from the date the approval was granted, whichever occurs later, unless the development approval was for a shorter time period by conditions of approval. If necessary permits have been issued and construction work is commenced on an approved project prior to the expiration of the approval, the approval will remain valid provided construction continues at a commercially reasonable pace, in light of all relevant circumstances, as determined by the Director. (08-05)~~

**Chapter 16.301 of the Claremont Municipal Code is hereby amended to read as follows (changes printed in **RED** with additions underlined; deletions ~~struck-out~~):**

## **Chapter 16.301 BUILDING CONSERVATION/DEMOLITION**

### **16.301.010 PURPOSE**

The purpose of this chapter is to foster the retention and maintenance of existing buildings and structures, discourage demolitions without permits and approvals, and make substantial alterations and additions to existing buildings and structures subject to current development standards and other requirements applicable to the construction of a new building or structure. (09-12)

### **16.301.020 DEFINITIONS**

The following definitions shall apply to this chapter:

**“Cultural Resource”** shall have the same meaning as defined in Section 16.302.010 Definitions, as amended from time to time.

**“Claremont Register”** shall have the same meaning as defined in Section 16.302.010 Definitions, as amended from time to time.

**“Demolition”** means for the purpose of this ~~chapter~~Section, any act or intentional failure to act that destroys, removes, or relocates, in whole or in part, the structural components of any facility, structure, or building in the City. Structural components shall include exterior walls, exterior wall cladding, building foundations, roofs, ceilings, floors, and structural supports.

~~**“Historic resource”** means improvements, buildings, structures, objects, signs, features, sites, cultural landscapes, places, or other improvements of historical and architectural value located on properties included in the Claremont Register of Sites of Historic or Architectural Merit.~~

~~**“Local Register”** means the Claremont Register of Sites of Historic or Architectural Merit. (09-12)~~

### **16.301.030 ORDINARY MAINTENANCE AND REPAIR**

Nothing in this chapter shall be construed to prevent the ordinary maintenance or repair of any exterior architectural feature in or on any property that does not involve a change in design, material, ~~or~~ external appearance thereof, or is otherwise subject to the requirements of Chapter 16.302 (Cultural Resources Preservation). (09-12)

### **16.301.040 PERMIT REQUIRED FOR DEMOLITION**

A. Permit for Demolition



No person shall commence demolition or removal of a building without a permit for demolition issued by the City of Claremont Building Official pursuant to Title 15 of the Claremont Municipal Code. The Building Official may require completion of any preparatory work determined necessary by the Building Official for public health, safety, and/or welfare prior to issuing the permit.

B. Historic-Cultural Resources Listed on the Local-Claremont Register or State or National Register

Any development project involving a historic or Cultural Resource listed on the Local Claremont Register, the California Register, or the National Register shall be subject to provisions of Chapter 15.04.16.302 – Cultural Resources Preservation.

C. Potential Cultural Resources Not Listed on the Claremont Register

To ensure that all potential Cultural Resources are properly evaluated prior to demolition or relocation, all demolition requests shall be referred to the Director to determine whether any structure proposed for demolition is a Cultural Resource, even if it is not listed on the Claremont, State, or National Register. The Director shall review all requests for demolition or relocation of buildings or structures constructed at least 45 years prior to the date that the demolition or relocation is proposed in accordance with the requirements of Section 16.302.110.

CD. Requirements of Demolition Permits

Property owners are required to take appropriate actions to prevent the creation of a public nuisance, and to minimize any physical, aesthetic, safety, or economic burden that the demolition may have on surrounding development. Such required actions may include, but are not limited to, the following:

1. Compliance with all applicable air quality and dust control regulations of the City and the South Coast Air Quality Management District.
2. Removal of all exposed foundations, footings, concrete slabs, or flooring systems without structures.
3. Fill-in of excavations.
4. Removal of all visible construction-related materials and equipment upon completion of demolition activities.
5. Clearance of any appliances, equipment, vehicles, and similar objects that have been abandoned or discarded, and/or which are inoperable and/or are being stored in violation of Chapter 16.154.
6. Providing and maintaining minimal landscaping and/or fencing in such a manner that the site does not have a detrimental effect on adjacent or nearby properties.
7. Providing irrigation as needed to maintain the health of existing, mature, on-site trees.

8. Keeping property clear of weeds and debris, and removal of overgrown, dead, or diseased vegetation.
9. Removal of any condition determined to be a public nuisance pursuant to Chapter 8.16.
10. Compliance with all other applicable City codes.

**DE.** Moving of Buildings

For moving/removing an existing building located in the City, the requirement for a demolition permit shall be in addition to the requirement for a permit to move a building pursuant to Chapter 15.28 and any other permits or approvals required by City codes. (09-12)

**16.301.050 ILLEGAL DEMOLITION**

- A. Any person that causes the demolition of any building or portion of a building without the required permit shall be in violation of the provisions of this Code, and shall be subject to general and administrative penalties pursuant to Chapters 1.12 and 1.14.
- B. In addition, the demolition of any building or portion of a building without the required permit shall result in a stay in the issuance of a building permit for new construction at the site previously occupied by the building. The length of the stay shall be a minimum of 36 months from the date the City becomes aware of the demolition or alteration in violation of this chapter. The length of stay may be reduced at a public hearing by the City Council. The City Council in making its decision on whether to reduce the length of stay shall consider the extent of the demolition, the benefits received, and the time needed for the City to study and determine appropriate mitigation measures for the removal or alteration. (09-12)

**16.301.060 SUBSTANTIAL REMODEL**

- A. Alteration of or an addition to an existing building or structure shall constitute a substantial remodel if any of the following occurs at any time over a three-year period:
  1. Demolition, removal, and/or relocation of more than fifty (50) percent of the exterior walls, based on a horizontal measurement of the perimeter walls. Elements of exterior walls include columns, studs, cripple walls, or similar vertical load-bearing elements and associated footings; or
  2. Destruction or reconstruction of more than fifty (50) percent of the footprint; or
  3. Demolition affecting more than fifty (50) percent of the replacement value of such structure as determined by the Building Official; or
  4. One or more additions to an existing building or structure that increases the square footage of the existing building or structure by twenty-five (25) percent or more, but not including additions to existing buildings on a residential lot that total no more than 1,500 square feet within any consecutive three-year period.

Alterations to existing structural components to address seismic safety as determined appropriate by the Building Official shall not be included in the above calculations.

- B. Whenever modifications to an existing building or structure constitute a substantial remodel, the replacement construction shall constitute a new building or structure subject to current development standards of the subject zoning district, and all other requirements applicable to the construction of a new building or structure including utility undergrounding requirements, required dedication of on and off-site improvements, payment of parkland fees, and other applicable development fees.
- C. If concealed structural damage is discovered during the course of construction, the removal and replacement of the damaged elements shall not be included in the above calculations for determining substantial remodel provided all the following criteria are met:
  - 1. It is certified that the damaged elements must be removed and replaced in order to maintain a safe structure by a licensed structural engineer, or other licensed civil engineer or architect authorized to perform structural calculations and designs as specified in the California Business and Professions Code.
  - 2. The Building Official, or designee, is notified of the structural damage and verifies the damage while the damage elements are still in place.
  - 3. Alterations of structural elements are only undertaken to the minimum extent necessary to maintain a safe structure as determined by the licensed structural engineer, civil engineer, or architect and confirmed by the Building Official. (09-12)

***Chapter 16.302 of the Claremont Municipal Code is hereby added to Chapter 16 as set forth below:***

## **CHAPTER 16.302 CULTURAL RESOURCES PRESERVATION**

### **16.302.000 INTENT**

It is the intent of this chapter to establish standards and procedures that facilitate the preservation of Cultural Resources throughout the City of Claremont. Its provisions shall apply to Cultural Resources located within all zoning districts including overlay districts and specific plan areas as well as parks, wilderness parks, botanical gardens, campuses, and other open areas.

### **16.302.010 DEFINITIONS**

For the purpose of this chapter, unless the context clearly requires otherwise, the words and phrases defined in this section shall have the following meanings:

**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 one or more character-defining features of a Cultural Resource. Alteration shall include new construction and addition but not ordinary maintenance and repairs.

**Architectural and Preservation Commission (APC)** is the City's Architectural and Preservation Commission established pursuant to the provisions of this Chapter as well as Chapter 2.42 and Section 16.300.020.

**Architectural Historian** is any person 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.

**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 in the City of Claremont.

**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 set forth 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 a permit granted on the finding by City staff or 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 this chapter.

**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.

**Claremont Register** See *Register of Structures of Historic or Architectural Merit in Claremont*.

**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** 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 chapter and is listed in the Claremont Register, or any resource listed in the California Register of Historical Resources and/or the National Register of Historic Places as historically significant.

**Demolition** is the destruction or removal of one or more character-defining features in whole or in part 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. Design Guidelines may also include design guidelines contained in this chapter regarding special districts (CV, AV), in adopted Policy documents such as the Claremont Village Design Plan and Rural Claremont Architectural and Landscape Standards, and in many of the various specific plans that apply to plan areas located throughout the City.

**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 for recommendation by the Architectural and Preservation Commission.

**Director** is the Director of Community Development for the City of Claremont or their designee.

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

**Historian** is any person 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 Cultural 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 Resource.*

**Historic 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.

**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, Claremont Chamber of Commerce, Sustainable Claremont, the Claremont Wildlands Conservancy, and other groups who from time-to-time offer community input concerning Cultural Resources.

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

**Major Alteration** is any work or action that results in a substantial change to any space, material, finish, or other character-defining feature of any building, structure, historic site, or other improvement.

**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.

**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).

**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. A Preservation Planning District is a district that has potential of becoming a Historic District, due to the presence of one or more existing or potential Cultural Resources but has not yet reached the required age or level of significance to be designated as a Historic District.

**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 Cultural Resources.

**Property** is a legal lot, parcel, or group of adjoining parcels under single ownership or single control for the purposes of development or other use.

**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**, (Also referred to as the Claremont Register or Local Register) is the official list of properties that are located within the City of Claremont and designated by the City Council pursuant to Section 16.302.040.

**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.

**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.

**Structure** shall have the same meaning as defined in Section 16.900.830, as amended from time to time.

**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 resources that are at least forty-five (45) years of age. Properties and sites 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.

**Willful Neglect** shall mean failure to maintain a Cultural Resource after receiving notice from the City that a Cultural Resource is being neglected or otherwise being allowed to fall into disrepair that endangers the integrity of the Cultural Resource.

### **16.302.020 PURPOSE AND GOALS**

The City of Claremont is dedicated to creating and sustaining places that distinguish our community. The purpose of this chapter 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 sites and 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 maintain and expand the economic benefits of historic preservation to the City and its inhabitants;
- I. To maintain and protect the comparatively high property values within the City;
- J. To identify as early as possible and resolve conflicts between the preservation of Cultural Resources and Historic Districts and alternative land uses;
- K. To conserve valuable materials and energy resources expended during construction (embodied energy) by continued use and maintenance of the existing built environment;
- L. To discourage the demolition, neglect, or demolition by neglect of Cultural Resources.

#### **16.302.030 ENABLING AUTHORITY**

- A. 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 Cultural Resources.
- B. 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."

#### **16.302.040 ARCHITECTURAL AND PRESERVATION COMMISSION REVIEW RESPONSIBILITIES**

The Architectural and Preservation Commission shall undertake the powers and duties identified in Chapters 2.42 and 16.300 of the Claremont Municipal Code and act as the Preservation Commission as identified in this title. In addition to these powers and duties, the Architectural and Preservation Commission shall have the responsibility 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 significantly alter any resource listed in the Claremont Register; and all applications for permits to build, significantly alter, relocate or demolish structures in Historic Districts;
- E. Review the potential impacts of significant 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 requirements 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;
- I. Review and provide recommendations on zoning amendments, General Plan amendments, and other policies relating to cultural preservation;
- J. Provide a public venue for public participation in local preservation actions 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 that have not been designated as Cultural Resources but are deserving of such recognition.

#### **16.302.050 STAFF REVIEW RESPONSIBILITIES**

- 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. Receive and process applications as required in this chapter including reviewing or facilitation of review by the Architectural and Preservation Commission of all actions requiring Certificates of Appropriateness, demolitions, relocations, and major or minor alterations.
- D. Make recommendations to the Architectural and Preservation Commission on applications for all designations and for all demolitions, relocations, and major alterations to designated resources.

#### **16.302.060 APPEAL OF ACTION**

Any decision or condition imposed pursuant to this chapter by staff or the Architectural and Preservation Commission may be appealed in accordance with the procedures set forth in

Chapter 16.321, Appeals and Council Review. Filing of an appeal shall suspend the proposed work and issuance of any demolition, relocation, or building permit pursuant to the decision until action is taken on the appeal.

### **16.302.070 CITY COUNCIL ACTION ON DESIGNATIONS**

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 Willful Neglect or work performed without permit, or
- C. New information comes to light that invalidates an earlier designation.

### **16.302.080 CRITERIA FOR DESIGNATING CULTURAL RESOURCES**

#### **A. Criteria for Cultural Resources**

After considering the recommendation of the Architectural and Preservation Commission, the City Council may designate any site, structure, building, sign, tree, or landscape as a Cultural Resource to be listed in the Claremont Register if it is at least 45 years old or has been determined to be of exceptional importance and achieved significance within the last 45 years and meets 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 is 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 is 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 and/or;
- 6. It exemplifies the early heritage of the City.

#### **B. Criteria for Historic Districts**

After considering the recommendation of the Architectural and Preservation Commission, the City Council may designate any groups of properties or structures as a Historic District to be listed in the Claremont Register if it is at least forty-five (45) years old or has been determined to be of exceptional importance and achieved significance within the last forty-five (45) years and meets one or more of the following criteria:

1. It contains within its boundaries, a minimum of fifty percent of properties that have been designated to the Claremont Register;
2. It meets the criteria for listing in the National Register of Historic Places;
3. It meets the criteria for listing in the California Register of Historic Resources;
4. It 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;
5. It reflects significant spatial or geographic 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;
6. It 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; and/or
7. It contains contributing resources associated with the lives of persons important to the City of Claremont, the State of California, or national history.

#### C. Criteria for Historic Signs

After considering the recommendation of the Architectural and Preservation Commission, the City Council may designate any sign, including projected, wall mounted, painted and/or façade signs, to be a Historic Sign if it meets one or more of the following criteria:

1. It is associated with events that have made a significant contribution to the broad patterns of Claremont's or California's heritage;
2. 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; and/or
3. It is associated with people, activities, or businesses significantly important to the cultural history of the City.

#### D. Criteria for Heritage Trees and Groves

Specific trees, which by virtue of their species, size, age, appearance, or historic significance are determined to be outstanding, may be recognized as Heritage Trees or Heritage Groves. To be designated, any tree or group of trees shall meet one or more of the following criteria and shall not be designated to have a high risk of failure by an arborist certified by the International Society of Arborists (ISA):

1. It has been specifically recommended to be designated as Heritage Trees by the Community and Human Services Commission;
2. It has historical significance due to an association with a historic event, person, site, street, or structure and is recommended to be a Cultural Resource by the Architectural and Preservation Commission;
3. Is a fine example of a species and is located in a prominent location that contributes to the character of Claremont or the City's extraordinary tree canopy.

### **16.302.090 PROCEDURES FOR DESIGNATING CULTURAL RESOURCES**

Cultural Resources, including Historic Districts shall be designated by the City Council upon the recommendation of the Architectural and Preservation Commission. The City Council and Architectural and Preservation Commission shall follow the review and approval process outlined in this chapter. Decisions shall be consistent with the policies and goals of the Land Use, Community Character, and Heritage Preservation Element of the Claremont General Plan (Chapter 2).

#### **A. Cultural Resource Survey Forms**

Generally, the relevant information for each resource being considered for designation shall be recorded on the appropriate California Department of Parks and Recreation forms (currently DPR 523 A-L). These survey forms should be prepared in accordance with procedures and requirements of the State Office of Historic Preservation.

#### **B. Designation Procedure**

##### **1. Initiation**

Designation of a Cultural Resource may be initiated by the City Council, Architectural and Preservation Commission, Director, or any person having ownership interest in the property that is proposed for designation. Owner consent is not required for listing.

##### **2. Application and Filing Fee**

Applications for designation originating from a person having ownership interest in the property 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 appropriate filing fee as established by resolution of the City Council.

The Architectural and Preservation Commission shall use the criteria outlined in this chapter to make a recommendation whether the property should be listed as a Cultural Resource or Historic District.

##### **3. Notice of Public Hearing**

Once an application is deemed complete, the proposed designation shall be set for review by the Architectural and Preservation Commission at a public hearing. The Director shall give written notice to the owner and occupants of the subject property or properties, owners of properties located within three-hundred (300) feet of the structure or site being considered for designation, and other persons who have requested to be notified of such matters. Notices shall include the date,

place, time, and purpose of the hearing and a general description of the resource proposed for designation.

Notice shall be provided by first class mail to owner's addresses as shown on the latest equalized assessment rolls or in other ownership records. In the case of a proposed Historic District, notice of the hearing shall be given by first class mail to the applicants, owners, and occupants of all properties within the proposed district, and to owners of all properties located within three-hundred (300) feet of the proposed boundary of the district.

4. Notices shall be sent 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. Meetings regarding the listing of Historic Districts shall also be advertised in a local newspaper of general circulation at least ten days in advance of the public hearing.

5. Timeframe for Commission Review and Decision

The Architectural and Preservation Commission shall hold a public hearing on all proposed designations within ninety (90) days of the determination that the application is complete. Within thirty (30) days of completion of the hearing, the Commission shall render a written recommendation to the City Council. These deadlines may be extended with concurrence of the applicant.

6. City Council Review and Decision

Properties receiving positive recommendations for designation shall be forwarded to the City Council to be approved with no requirement for a formal public hearing. Approval via consent calendar is permitted.

Properties receiving a negative recommendation for designation shall not be forwarded, except by appeal. Appealed decisions shall require a formal public hearing before the City Council in accordance with the requirements of Chapter 16.321.

Within sixty (60) days of receipt of a positive recommendation or appeal concerning a proposed designation, the City Council shall, by resolution, approve the designation in whole or in part, or shall, by motion, disapprove the designation. This deadline may be extended with concurrence of the applicant. If the City Council approves a proposed designation, notice of the City Council's decision shall be sent to applicants, owners of any designated property, and the Architectural and Preservation Commission.

7. No Work on Resource Until Decision is Final

While any request for designation is pending City review, no work shall be carried out that would require either a Certificate of Appropriateness or building permit if the improvement were already designated a Cultural Resource or if it were already located in a Historic District.

8. Recordation of Approved Listing on Deed

Within ninety (90) days after any City Council decision to add a resource to the Claremont Register, the City shall submit to the County Recorder's Office a certified copy of the resolution adopting the designation or similar affidavit

describing the listing. The County Recorder shall record the document pursuant to Public Resources Codes Section 5029(b).

9. 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.

10. Amendment or Rescission of Previously-listed Resources

Upon recommendation of the Architectural and Preservation Commission, the City Council may amend or rescind any designation of a Cultural Resource or Historic District in the same manner and procedure as are followed for designation.

**16.302.100 MANDATORY REVIEW PRIOR TO DEMOLITION OF ANY UNDESIGNATED BUILDING 45 YEARS OR OLDER**

Any request that includes demolition or relocation of buildings or structures that are at least 45 years old shall be referred to the Director to determine whether the structure is listed or should be nominated for listing on the Claremont Register. The Director shall review each application in accordance with this section, prior to approval.

A. Applicability

This section shall apply to any proposed demolition, partial demolition, or relocation of any building or structure that:

1. is 45 years old or older;
2. is not identified as a Cultural Resource on the Claremont Register;
3. is not the subject of a pending request for designation as a Resource; and
4. has not been nominated for listing on the Claremont Register or reviewed pursuant to this section within the past three years.

B. Application Fees

This review shall require a deposit by the applicant to pay for City costs associated with City staff time, hiring a consulting Historian, Historic Architect and/or an Architectural Historian; and/or to cover the costs associated with the preparation of an Initial Study, Environmental Impact Report, Mitigated Negative Declaration, or Negative Declaration.

C. Submittal Requirements

Applications shall be submitted on forms provided by the Planning Division that include a notice of intent to demolish in a form approved by the Director. Unless waived by the Director, all applications shall include the following filing materials:

1. A detailed historic evaluation of the property prepared by a Historic Architect, Historian, or other preservation professional with credentials acceptable to the Director on the appropriate California Department of Parks and Recreation (DPR) forms;

2. A summary memo by a qualified preservation professional that provides conclusions as to whether the property warrants listing in the Claremont, State, or National Register.
3. Plans for a proposed replacement development project that is consistent with the standards and requirements of the applicable zoning district;
4. Photo verification that the property has been posted with a notice of intent to demolish that complies with the size, location, and format requirements of the Planning Division.

D. Hearing Scheduling

Upon receipt of a complete application for demolition, the Director shall schedule the application for the next available Architectural and Preservation Commission Meeting.

E. Public Notice

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.

F. 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 Commission's determination shall be forwarded to the City Council for designation and listing on the Claremont Register in accordance the procedures detailed in Section 16.302.090 and the provisions of this Section shall apply to the proposed demolition. No action to demolish or alter the potential resource shall be taken before the appropriate level of environmental review has been completed under CEQA.

**16.302.120 CERTIFICATES OF APPROPRIATENESS**

Any activity or work that could significantly affect a Cultural Resource or contributor to a Historic District shall require approval of a Certificate of Appropriateness ("Certificate") from City staff or the Architectural and Preservation Commission in accordance with the requirements of this chapter. Consideration of such work shall be required even if no other permits or entitlements are required by the City. Approval of a Certificate of Appropriateness shall be required prior to start of work unless an Imminent Threat exists, as determined by the Building Official pursuant to Section 16.302.220.



Review of all applications shall comply with all applicable state and federal laws and regulations, including without limitation, CEQA, the National Historic Preservation Act, and the National Environmental Policy Act. Approval or denial of Certificates of Appropriateness is generally classified as a discretionary action under CEQA (California Code of Regulations, Title 14, § 15002(i)).

### **16.302.130 REVIEW RESPONSIBILITIES FOR CERTIFICATES OF APPROPRIATENESS**

#### **A. Commission Review – Major Project Review**

The following actions require review and approval of a Certificate of Appropriateness by the Architectural and Preservation Commission:

1. Alteration, demolition, relocation, or new construction affecting Resources individually listed in the Claremont Register, contributing Resources in Historic Districts listed in the Claremont Register, or any other potential Cultural Resource, which are not otherwise specified for Staff Level Review;
2. Any other action referred to the Architectural and Preservation Commission by the City Council, Planning Commission, or City staff.

#### **B. Staff Review – Minor Project Review**

The following actions are classified a Minor Projects and require review and approval of a Certificate of Appropriateness by the Director of Community Development or his/her designee:

1. Partial demolitions or relocations that do not affect the character-defining features of a resource, contributing resource, or potential resource;
2. Alteration of non-contributing additions, garages, accessory structures;
3. Re-roofing or siding replacement that does not change exterior features of the building and where replacement materials match either the existing or original materials in terms of appearance, color, profile and material;
4. Replacement of original windows and doors where the proposed replacements are of the same materials, form, and color as the existing or original windows and doors, including muntin and mullion patterns;
5. Replacement of incompatible and previously replaced windows and doors with compatible materials and designs;
6. An addition of less than two-hundred (200) square feet proposed for the side or rear elevations (not visible from the public right-of-way) that does not materially alter the character defining features or have a significant impact on the integrity of a Cultural Resource;
7. Changes to a previously approved Certificate of Appropriateness, which are determined by the Director to not materially alter the features of or have a significant impact on the integrity of the Resource;

8. Other activities determined by the Director to not materially alter the features of or have a significant impact on the integrity of a Cultural Resource, contributing resource, or potential resource; and/or
9. Any other work or classification of work that has been formally referred to City Staff by the Architectural and Preservation Commission.

C. Actions Exempt from Certificate of Appropriateness Requirement

The following actions shall not require a Certificate of Appropriateness:

1. Painting of any residential or commercial building unless preparation 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., natural stone, tile or block;
2. Ordinary maintenance and repair that does not require a building permit;
3. Landscaping, including sprinkler system work, that does not affect a character-defining feature;
4. Paving or other flat work that does not affect a character-defining feature;
5. All alterations that are entirely interior and do not affect the exterior of a Cultural Resource, except for interior features that are specifically mentioned as being important in a Cultural Resource designation or listed as character defining features;
6. Changes needed to provide access for people with disabilities in compliance with the Americans with Disabilities Act and its implementing regulations and guidelines; and/or
7. Replacement of existing screens and awnings with the same or substantially consistent materials, form, and shape.

**16.302.150 PROCEDURES FOR CERTIFICATES OF APPROPRIATENESS**

A. Application

Applications for Certificates of Appropriateness shall be made on forms provided by the Community Development Department and signed by the property owner or authorized representative.

B. Completion Review

Staff shall review each application for completeness prior to beginning work or making a decision on the project. At the time an application is deemed complete, the Director shall determine whether the project will require Staff or Commission Review, Emergency Action, or if the action is exempt from the Certificate requirement.

C. Emergency Action

The procedures of this Section may be waived by the Director for requests where the City Building Official determines that expedited review and action is necessary to address an Imminent Threat to public health or safety as provided for in Section 16.302.230.

D. Minor Project Review by Staff

1. Submittal Requirements

Applications for Minor Project review shall include any required fee and, without limitation, the following:

- a. written narrative of the proposed project;
- b. vicinity map;
- c. site plan;
- d. floor plan for projects interior changes to walls or character-defining features;
- e. exterior elevations drawn to scale;
- f. window and door schedule;
- g. photographs of the structure and adjacent development; and
- h. Any additional information that Staff determines is necessary to make an informed determination regarding the Minor Project.

2. Notice

Unless the Director determines that the proposed action has no potential to negatively impact the subject property, adjacent properties or the surrounding district, notice of a proposed Minor Project shall be mailed to all owners of properties within one-hundred fifty (150) feet of the Cultural Resource. The notice shall describe the proposed action and that staff is reviewing the proposal. Such notices shall be sent not less than ten days prior to Staff approval or denial of the application.

3. Staff Action

For projects that meet the eligibility criteria for minor project review, the Director shall do one of the following:

- a. Approve: 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 Director may approve the Certificate of Appropriateness and associated project; or
- b. Deny: If the proposed 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 shall deny the Certificate of Appropriateness; or
- c. Refer: If the Director, or his/her designee, determines that a project that was originally submitted for staff level review requires additional review and/or direction by the Architectural and Preservation Commission, the Director may elect to refer the proposal for Major Project Review by the Commission.

E. Major Project Review by Commission

1. Submittal Requirements

Applications requiring Major Project Review by the Architectural and Preservation Commission shall be accompanied by the required fee deposit and documentation that includes the following, unless waived by the Director:

- a. 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 all applicable design guidelines adopted by the City of Claremont.
- b. 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 the immediately adjacent properties.
- c. Floor plans, a roof plan, and building sections at a scale of at least one eighth inch equals one foot.
- d. Exterior elevations indicating all critical dimensions and existing character-defining features.
- e. Exterior materials, colors, and finishes clearly indicated on elevation drawings and keyed to a materials and colors board.
- f. An exterior lighting plan including the color, finish, light source and light color temperature all exterior light fixtures.
- g. Renderings or photo simulations of proposed indicating the proposed structure in conjunction with the adjoining structures, preferably from an eye level elevation.
- h. A schedule of all proposed 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.
- i. A tree protection and disposition plan that accurately and clearly displays the following: all existing trees on the project site; the species, trunk diameter, height, and condition of all trees on the site; and the proposed final disposition of all existing trees.
- j. A landscape plan indicating: the extent and location of all proposed landscaping including species, planting sizes, and location of all vegetation; an irrigation plan; a hardscape plan that includes all exterior amenities; and a color and materials board.
- k. 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 three-hundred (300) feet from each end of the principal street frontage. The photos shall be full color and organized to depict 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. Any additional documentation that the Director determines necessary 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.
- m. 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.

The application shall be filed with the Director or their designee who shall transmit the same to the Commission upon receipt of a complete application.

## 2. Timing for Major Project Review

For Projects that are exempt or excepted from the California Environmental Quality Act, the Architectural and Preservation Commission shall have sixty (60) days from the date the application is deemed complete to grant or deny the Certificate of Appropriateness, unless a continuance is granted pursuant to agreement by both parties.

For projects that are not exempt from 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.

## 3. Public Notice Requirements – Major Review

All projects requiring a Major Review for a Certificate of Appropriateness shall require public notification no less than ten (10) days prior to the public hearing. Notices shall include the place, date, and time of the Architectural and Preservation Commission meeting and shall include a brief description of the proposed project. Notice shall be mailed to the applicant and to all owners of real property within a three-hundred (300) foot radius of the subject parcel as shown on the County's latest equalized assessment roll, and mailed or emailed to interested community groups.

### **16.302.160 REVIEW CRITERIA FOR CERTIFICATES OF APPROPRIATENESS**

In evaluating Certificate of Appropriateness applications, City staff, the Commission, and/or the City Council upon appeal shall consider the architectural style, design, massing, arrangement, texture, materials, color, and any other relevant factors associated with the affected historic resource. Applications shall not be approved unless each of the applicable criteria are met.

#### A. Local Criteria

1. The proposed action is consistent with the development standards of this title and other applicable ordinances, specific plans, and regulations, except where deviations have been approved pursuant to other sections of this title or state law.

2. The proposed action is consistent with the goals and policies of the City's General Plan and any adopted specific plans, approved master plans, and/or approved development plans applicable to the subject property.
  3. The proposed action is consistent with all applicable design guidelines adopted by the City Council or Architectural and Preservation Commission.
  4. The proposed action will not create a significant adverse impact to the character-defining features, historic architectural character, or aesthetic interest or value of the subject Cultural Resource or its site.
  5. For properties located within a Historic District, the proposed action conforms to all applicable citywide or district specific design guidelines and does not adversely affect the character of the Historic District.
  6. The proposed action will not adversely impact the qualities of the Cultural Resource including its 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 Cultural Resources nearby.
  7. For actions that include relocations or demolitions, the project includes review of any replacement structures that are being considered by the Architectural and Preservation Commission and Planning Commission concurrently with the relocation or demolition permit request and the project approval includes a requirement that a building permit for the replacement structure be obtained before a Cultural Resource is relocated or demolished.
  8. For actions that include demolition, the resource is not of such unusual or uncommon design, texture, or materials that it could not be reproduced or be reproduced only with great difficulty and expense and retention would not substantially aid in preserving and protecting the resource or its surrounding neighborhood or surrounding Historic District.
  9. For requests to significantly alter or remove a designated Heritage Tree or Grove, the action has been assessed by an arborist certified by the International Society of Arborists (ISA).
  10. For actions (e.g. construction or grading) that may create significant risk to roots or result in the alteration or removal of a designated Heritage Tree or Grove, the project must be reviewed by an ISA certified arborist to assess how the project will impact the health and safety of the tree.
  11. The proposed action is consistent with applicable reports from preservation professionals, Historic Architects, or structural engineers regarding the feasibility of the proposed work, or feasibility of the suggested revisions, subject to peer review by the City.
  12. That some or all of these criteria have been waived through approval of a Certificate of Economic Hardship in accordance with Section 16.302.210.
- B. National and State Criteria
1. The proposed action is consistent with the Secretary of the Interior's Standards for the Treatment of Historic Properties and associated guidelines.

2. The proposed action has been reviewed pursuant to the California Environmental Quality Act (CEQA) and CEQA implementing Guidelines.
3. The work will be completed in a manner that is consistent with the currently adopted building code or State Historical Building Code (Title 24, Part 8 of California Code of Regulations).
4. If the proposed action is relying on any State Housing Law to relax or modify local criteria and/or standards, such as the State's Density Bonus Law (California Government Code § 65915), the Accessory Dwelling Unit Law (California Government Code § 65852.2), and/or the Housing Accountability Act (California Government Code § 65589.5), the proposed action shall not have a specific adverse impact, as defined in paragraph (2) of subdivision (d) of Section 65589.5 of the California Government Code, upon public health and safety or the physical environment or on any real property that is listed in the California Register of Historical Resources 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. City staff and the Architectural and Preservation Commission shall consider the provisions of relevant State Housing Laws, as they may be amended from time to time, in its review of proposed projects, and in any recommendations made to the Planning Commission or City Council.

### **16.302.170 CONDITIONS OF APPROVAL FOR CERTIFICATES OF APPROPRIATENESS**

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. 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;
- E. Requirement, in the case of an approved demolition or relocation of a Cultural Resource, that all CEQA documentation be reviewed and approved by the appropriate review authority;
- F. 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;
- G. 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; and

- H. Any other conditions the Architectural and Preservation Commission deems appropriate on a case-by-case basis.

### **16.302.180 EXPIRATION OF CERTIFICATES 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. For Certificates of Appropriateness approved by staff level review, the Director may extend the expiration date of the Certificate for an additional period of up to twelve (12) months and may approve extension requests with conditions, or deny any request for extension.

### **16.302.190 REVOCATION OR MODIFICATION OF CERTIFICATES 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 City staff. 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.

### **16.302.200 APPEALS**

Any person aggrieved may appeal any decision by staff or the Architectural and Preservation Commission to approve, deny, or revoke a Certificate of Appropriateness, or any condition imposed. Appeals shall be heard in accordance with the procedures in Chapter 16.321, Appeals and Council Review. Filing of an appeal shall suspend the issuance of further action or issuance of a building permit pursuant to the decision until action is taken on the appeal.

### **16.302.210 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 Cultural 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. Application

Certificate of Economic Hardship applications shall be submitted on forms provided by the Planning Division and shall be accompanied by the appropriate review fee and all documentation necessary for the Architectural and Preservation Commission to make an informed decision on the project as specified below.

B. 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.

C. Required Findings for Issuance of Certificates of Economic Hardship

The Architectural and Preservation Commission, and the City Council if appealed, shall approve a Certificate of Economic Hardship only if all of the following findings are made:

1. Denial of the application would decrease the value of the subject property so as to deprive the owner of any reasonable economic return on the property;
2. Denial of the application would cause an immediate hardship because of conditions unique to the specific property involved;
3. Sale or rental at a reasonable rate of return of the property is not financially feasible, when considering the cost of holding such property for uses permitted in the zone; and/or
4. Denial of the application would damage the property owner unreasonably in comparison to the benefit conferred to the community.

**16.302.220 WAIVER FOR IMMINENT THREAT**

Nothing contained in this chapter shall prohibit the alteration, rehabilitation, restoration, relocation, or demolition of any Cultural Resource, when such action is required for public safety due to an unsafe or dangerous condition, which cannot be rectified through the use of the California State Historic Building Code.

For declared public hazards that are not an immediate threat to public safety, the Architectural and Preservation Commission may hold a public hearing in order to comment on the proposed demolition. The public hearing shall be noticed in accordance with this chapter.

A. Determination of Imminent Threat

Where it is determined by the Building Official that alteration, rehabilitation, restoration, relocation, or demolition of any improvement or Cultural Resource that is subject to this part 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. 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 necessary abatement method;
  - c. The age of the building; and
  - d. An initial assessment of the resource's eligibility for the listing in the Claremont register.
2. All assessments and engineering evaluations of Cultural Resources made pursuant to this section 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 and Director 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 thirty (30) calendar days.
  - b. 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.

### **16.302.230 MAINTENANCE OF CULTURAL RESOURCES**

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 Willful Neglect the exterior features of buildings or other structures designated as Cultural Resources, and the interior portions thereof when such maintenance is necessary to prevent deterioration and decay of the exterior or to preserve interior features specified as character defining features of the resource. All such resources shall be preserved against such decay and deterioration and shall be free from structural defects through prompt corrections of any of the following defects:

- A. Façade elements which may fall and injure members of the public or property;
- B. Deteriorated or inadequate foundation, defective or deteriorated flooring or floor supports, deteriorated walls or other vertical structural supports;
- C. Members of ceilings, roofs, ceiling and roof supports or other horizontal members which sag, split or buckle due to defective material or deterioration;
- D. Deteriorated or ineffective waterproofing of exterior walls, roofs, foundations or floors, including broken or missing windows or exterior doors;
- E. 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
- F. Any fault or defect in the building which renders it not properly watertight or structurally unsafe.
- G. Failing Chimneys or fireplaces.

### **16.302.240 ECONOMIC INCENTIVES**

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:

- A. A reduction in property taxes through the Mills Act process;
- B. Relaxation of development standards for additions to designated structures and/or property;
- C. A reduction in the fees for the appropriate building permits required to do improvements;
- D. Expedited processing of permit applications;
- E. Inclusion in materials and social media to be distributed to residents and tourists;
- F. Identification plaques for designated improvements;
- G. Use of the California Historical Building Code; and/or
- H. Such other incentives as the City Council may from time-to-time implement.

Other economic incentives may be available through:

- I. Federal Rehabilitation Tax Credits; and/or
- J. California historic tax credits under SB-451 Personal income and corporation taxes: credits: rehabilitation of certified historic structures.

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.

### **16.302.250 ADDITIONAL ACTIONS ELIGIBLE FOR APPEAL**

Each of the following actions by staff may be appealed by the Applicant or any member of the Architectural and Preservation Commission for review by the Architectural and Preservation Commission:

- A determination that an application for the designation of a Cultural Resource or Historic District does not merit formal consideration by the Commission, and a determination therefore not to schedule a public hearing.

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

- A. 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.
- B. 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.
- C. Any other decision of the Commission relating to a Cultural Resource.

### **16.302.260 ENFORCEMENT AND PENALTIES**

- A. 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.
- B. 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.

- C. 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.
- D. In addition to any other remedies provided herein, any property that remains undeveloped pursuant to subsection 16.302.260.C shall be maintained in such a manner so as to not constitute a public or private nuisance, or otherwise violate applicable sections of this code. 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 in 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.
- E. In addition to any other remedies provided herein, in the event a designated Cultural Resource, a resource pending designation as a Cultural Resource, or a potential Cultural 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 16.302.260.C shall be limited to the same footprint, height, and square footage as the demolished building(s) or structure(s). The foregoing notwithstanding, the Director 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 Cultural Resource, a resource pending designation as a Cultural Resource, or a potential Cultural 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 16.302.260.C, 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.
- F. 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 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.

**Chapter 16.321 of the Claremont Municipal Code is hereby amended to read as follows (changes printed in **RED** with additions underlined; deletions ~~struck out~~):**

## **Chapter 16.321 APPEALS AND COUNCIL REVIEW**

### **16.321.000 INTENT**

It is the intent of this chapter to provide recourse in the event that any person is aggrieved by any decision, condition of approval or determination made by a commission or a member of City staff, in the administration and enforcement of this title, and when requested by a councilperson, to provide a review of any action taken by a commission or a member of the City staff, which except for said review would constitute a final decision of the matter. (08-05)

### **16.321.010 APPEAL OF STAFF DECISION**

#### **A. Applicability**

Any person aggrieved by any determination, interpretation, decision, or similar action taken by the Director or other member of City staff, pursuant to the procedures of this title, may appeal such action. All appeals shall be heard by the Planning Commission, except an appeal of a staff action for a sign ~~review, or~~ architectural review, or Cultural Resource review shall be heard by the ~~Architectural Commission~~Architectural and Preservation Commission.

#### **B. Time Limit**

The appeal shall be filed no later than close of business on the tenth calendar day following the date of the action from which the appeal is made, or on the first business day thereafter.

#### **C. Application and Fee**

An appeal shall be filed with the Community Development Department on forms provided by the Director together with an appeal fee established by resolution of the City Council. Appeals shall set forth any alleged inconsistency or non-conformity with procedures or criteria set forth in or pursuant to this title or Title 18 (Signs).

#### **D. Effect**

Any action appealed to either the Planning Commission or Architectural and Preservation Commission shall be suspended until the Commission has taken action on the appeal.

#### **E. Hearing**

1. When a timely appeal of a staff decision is filed, the Director shall forward the appeal to the appropriate review body for a hearing at the next available meeting

of the reviewing commission, considering notice requirements, unless a later date is requested by the project proponent. The hearing may be continued from time to time by vote of the Commission. The hearing need not be a public hearing.

a. Appeals on Special Use and Development Permits and Minor Exception Permits

When an appeal of a staff decision on a special use and development permit or a minor exception permit is filed, the Director shall forward the appeal to the Planning Commission.

b. Appeals on Sign and Architectural Reviews

When an appeal of a staff decision on a sign or architectural review is filed, the Director shall forward such appeal to the ~~Architectural Commission~~Architectural and Preservation Commission.

c. Appeals on Cultural Resource Reviews

When an appeal of a staff decision on a Cultural Resource review is filed, the Director shall forward such appeal to the Architectural and Preservation Commission.

2. Staff shall submit to a commission that is considering an appeal, the findings that led to the staff decision, including reasons for ~~any disapproval~~the decision.

F. Notice

Notice of an appeal hearing shall conform to the manner in which the original notice for the matter was given. In addition, notice shall be given to anyone who requested to be notified regarding the matter.

G. Decision

The Commission may affirm or reverse, wholly or partly, or may modify the decision, conditions of approval, or determination of staff by a majority vote of the Commission members present and qualified to vote at the hearing. Such action may be appealed to ~~the City Council~~council pursuant to the following procedures. (08-05)

## **16.321.020 APPEAL OF COMMISSION DECISIONS**

A. Applicability

Any person aggrieved by any determination, interpretation, decision, or similar action taken by a commission pursuant to the procedures of this title, may file for an appeal of such action. The procedure for an appeal of a commission decision shall be as set forth herein, except an appeal of a Planning Commission's decision on a tentative parcel map shall be in accordance with the appeal procedures of Chapter 17.050 of this title and the Subdivision Map Act.

B. Time Limit



The appeal shall be filed ~~no later than 5:00 p.m.~~ by the close of business on the tenth calendar day following the date of the action for which the appeal is made, or on the first business day thereafter.

C. Application and Fee

An appeal shall be filed with the City Clerk on forms provided by the Director together with an appeal fee established by resolution of the City Council. Appeals shall set forth alleged inconsistency or nonconformity with procedures or criteria set forth in or pursuant to this title.

D. Effect

Any action appealed to the Council shall be suspended until the Council has taken action on the appeal.

E. Hearing

When a timely appeal is filed, the appeal shall be forwarded to the City Council for a hearing at their next available meeting, considering notice requirements, or a later date if the applicant agrees. The Council shall receive from the Commission that originally considered the matter, all deliberations from the Commission pertaining to the matter, including staff reports, minutes, public comments, and the findings to support the Commission's decision. The hearing may be continued ~~from time to time~~ by vote of the City Council.

F. Notice

Notice of an appeal hearing shall conform to the manner in which the original notice for the matter was given. In addition, notice shall be given to anyone who spoke at the Commission hearing or any person who requested to be notified regarding the matter.

G. Decision

The Council may affirm or reverse, wholly or partly, or may modify the decision, conditions of approval, or determination made by the Commission by a majority vote of the Council members present and qualified to vote at the hearing. Such decision by the Council shall be final.

However, if the Council proposes changes or additions to code amendments, zone changes and general plan amendments which the Planning Commission has not previously considered, or desires to effect a change contrary to the recommendation of the Planning Commission on code amendments, zone changes, and general plan amendments, such changes or additions shall be referred to the Planning Commission and adopted pursuant to procedures set forth in Chapters 16.315 and 16.318.

The Council may also choose to refer other matters back to the appropriate commission for further consideration and decision if significant new evidence is presented in conjunction with the appeal, which may include substantial changes to the original proposal. (08-05)

### **16.321.030 COUNCIL REVIEW**

A. Applicability

Whenever a decision or determination of a commission or member of the staff would otherwise constitute the final action for a matter if no timely appeal is filed, said decision

shall not become final if a member of the City Council requests a review of said decision as herein provided. If a member of the City Council requests a review of an action by the Director or other member of City staff on which an appeal has been filed, the City Council review shall override the appeal and the appeal shall not be forwarded to a commission unless the City Council refers the matter to the appropriate commission for consideration and a decision.

**B. Time Limit**

The Council member's request for review shall be made within fifteen (15) calendar days of the date of the action for which the review is requested. A Council member shall make the request orally or in writing to the City Clerk, who shall set the matter for hearing.

**C. Effect**

Filing of a request for a review by a member of the Council shall suspend the effective date of any commission or staff decision until such decision has been reviewed by the Council.

**D. Hearing**

1. If requested by a member of the Council, the matter shall be set for a hearing to be held at the next available Council meeting after the review request has been filed, considering notice requirements, unless a longer period is requested by the applicant. The hearing may be continued ~~from time to time~~ by vote of the City Council.
2. The hearing shall be of the same type as required for the original decision and need not be a public hearing unless such was required for the original decision.
3. The Council shall receive from the original review body all findings and specific facts that led to the decision including detailed reasons for any disapproval.

**E. Notice**

Notice of a review hearing shall conform to the manner in which the original notice for the matter was given. In addition, notice shall be given to those who spoke at the commission hearing, if a review of a commission decision, or to any person who requested to be notified regarding the matter.

**F. Decision**

The Council may affirm or reverse, wholly or partly, or may modify the decision, conditions of approval or determination of the commission or staff by a majority vote of the Council members present and qualified to vote at the hearing. Such action shall be final. (08-05)

**SECTION 5. Change of Commission Name.** This Ordinance formally changes the name of the Architectural Commission to the Architectural and Preservation Commission. Staff is hereby directed to revise the name in all applicable City Documents including the Municipal Code, General Plan, City forms, and websites. In cases where the change is missed and not made by staff it shall be understood that any future reference to the Architectural Commission shall mean the Architectural and Preservation Commission.

**SECTION 6. Effective Date.** This Ordinance shall take effect thirty (30) days after its adoption.

**SECTION 7. Severability.** If any section, subsection, subdivision, paragraph, sentence, clause or phrase, or portion of this Ordinance 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 adopted this Ordinance and each section, subsection, subdivision, paragraph, sentence, clause or phrase of this Ordinance irrespective of the fact that one or more sections, subsections, subdivisions, paragraphs, sentences, clauses or phrases be declared unconstitutional or invalid or ineffective. To this end, the provisions of this Ordinance are declared to be severable.

**SECTION 8. Posting of Ordinance.** 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 in the Claremont Courier, a 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.

**PASSED, APPROVED and ADOPTED** this \_\_\_\_ day of \_\_\_\_\_, 2024.

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

ATTEST:

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

APPROVED AS TO FORM:

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

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 including demolitions and relocations, 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, or
- C. New information comes to light that invalidates an earlier designation.

### 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.

**ARCHITECTURAL COMMISSION  
REGULAR MEETING MINUTES**

Wednesday, February 14, 2024 – 7:00 PM

Meeting Conducted Via In-Person and Video Recording is Archived on the City Website  
<https://www.ci.claremont.ca.us/government/city-council/watch-city-council-meetings>

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**CALL TO ORDER**

Chair Neuber called the meeting to order at 7:00 PM

**PLEDGE OF ALLEGIANCE**

**ROLL CALL**

**PRESENT**

COMMISSIONER: CASTILLO, NEUBER, PERRY, SPIVACK,  
ZIMMERMAN

**ABSENT**

COMMISSIONER: BENNETT, CERVERA,

**ALSO PRESENT**

Brad Johnson, Community Development Director; Jeremy Swan,  
Community Services Director; Christopher Veirs, Principal  
Planner; Melissa Sanabria, Administrative Assistant

**CEREMONIAL MATTERS, PRESENTATIONS, AND ANNOUNCEMENTS**

There were no ceremonial matters, presentations, or announcements.

**PUBLIC COMMENT**

This item starts at 00:01:08 in the archived video.

Chair Neuber invited public comment.

Karen Rosenthal, voiced frustration regarding the appearance and location the trash enclosure associated with an unnamed local institution that is violating an agreement with the City. She also raised concern about the local institution using the loading dock area for employee parking and asked that the City bring them into compliance to uphold the agreement.

There were no other requests to speak.

**CONSENT CALENDAR**

This item starts at 00:05:13 in the archived video.

Chair Neuber invited public comment.

There were no requests to speak.

1. Architectural Commission meeting minutes of January 24, 2024

Approved and filed the Architectural Commission meeting minutes of January 24, 2024.

***Commissioner Castillo moved to approve Consent Calendar, seconded by Commissioner Spivack; and carried on by roll call vote as follows:***

**AYES:** ***Commissioner – Castillo, Neiuber, Perry, Spivack, Zimmerman***

**NOES:** ***Commissioner – None***

**ABSENT:** ***Commissioner – Bennett, Cervera***

**PUBLIC HEARING**

This item starts at 00:06:28 in the archived video.

2. Architectural and Site Plan Review #21-A01, Proposed Demolition of the Oldenborg Center Located Near the Center of the Pomona College Campus and Replacement With a New Language Immersion Residence Hall and Center for Global Engagement - Applicant: Pomona College

Principal Planner Veirs gave a PowerPoint presentation and responded to questions from the Commission regarding recessed windows, Leed certifications, whether the Historic Preservation Ordinance has a bearing on the project, color for board form concrete, west elevation tree retention, the pedestrian path, managed roadway, vehicle accommodation for food services, and current delivery access on Fourth Street.

Chair Neiuber invited the Applicant to make a presentation.

Tim Stevens (Principal Architect, SCB), presented a short video and responded to questions from the Commission regarding the windows on the residence hall, color palette, archways, and enfilade.

Chair Neiuber invited public comment.

There were no requests to speak.

Commissioner Perry spoke in support of the project, the use of board-formed concrete, the design's complement to existing architecture, how food services are being addressed, and the World Garden. He appreciated the planned preservation of larger tree species but voiced pragmatic issues regarding the transfer and transplanting of the Coast Live Oak and Camphor trees. Commissioner Perry voiced concern about the challenge of combining the planting patterns for alignments, spacing, and watering.

Commissioner Zimmerman stated that the project was a nice solution to the building and appreciated the colors, materials, and landscape that were chosen. He agreed with Commissioner Spivack's comments regarding the smaller appearance of the enfilade/opening. He shared concerns regarding the undefined green space at the northeast corner of the project near the Studio Art Building. Tim Stevens added additional information to address Commissioner Zimmerman's concerns.

Commissioner Spivack spoke in favor of the project's expansion of the east-west pedestrian zone. She shared concerns regarding the lack of ornamentation on the enfilade archways but agreed that the height is appropriate. She also favored the design of the new Global Center and the replacement of the residence hall. Commissioner Spivack shared additional concerns regarding the board-formed concrete color, landscaping issues, and Fourth Street closure, but is still supportive of the project.

Commissioner Perry added that the trees in formal rows along Bonita Avenue and Columbia Avenue need additional maintenance and care, as follow-up maintenance for the trees is critical to attain the desired effect. He shared suggestions for caring for the trees along Bonita Avenue and Fourth Street, particularly the Englemann Oak trees.

Commissioner Castillo supported the changes to the project's design and the goal of obtaining LEED Gold Certification. She shared concerns about the LIRH's south elevation windows and did not favor the gray sections. Commissioner Castillo asked how her fellow Commissioners felt about the gray sections.

Commissioner Spivack shared that she too is not a fan of the gray color. However, Commissioners Perry, Zimmerman, and Chair Neiuber did not share the same concerns regarding proposed the color palette.

Principal Planner Veirs provided clarification regarding the appearance of the color palette on the plans. He agreed with Commissioner Zimmerman's comments.

Chair Neiuber expressed support for the project. He spoke in favor of the design's pronounced arches, the enfilade entrance, and the applicant's design changes in response to past Commissioner comments.

**Commissioner Castillo moved to:**

- A. Adopt A RESOLUTION OF THE ARCHITECTURAL COMMISSION OF THE CITY OF CLAREMONT, CALIFORNIA, CONDITIONALLY APPROVING ARCHITECTURAL AND SITE PLAN REVIEW #21-A01, DEMOLITION OF THE EXISTING OLDENBORG CENTER AND REPLACEMENT WITH A NEW 111,817 SQUARE FOOT FACILITY TO HOUSE THE GLOBAL CENTER AND LANGUAGE IMMERSIVE RESIDENCE HALL LOCATED AT THE NORTHEAST CORNER OF EAST BONITA AVENUE AND COLLEGE WAY ON THE POMONA COLLEGE CAMPUS - APPLICANT: POMONA COLLEGE; and**
- B. Find this item is exempt from environmental review under the California Environmental Quality Act (CEQA);**

**Seconded by Commissioner Perry; and carried on by roll call vote as follows:**

**AYES: Commissioner – Castillo, Neiuber, Perry, Spivack, Zimmerman**  
**NOES: Commissioner – None**  
**ABSENT: Commissioner – Bennett, Cervera**

#### **ADMINISTRATIVE ITEM**

This item starts at 01:09:45 in the archived video.

3. Commission Review of Draft Cultural Resources Preservation Ordinance, Which Includes Renaming The Architectural Commission as The Architectural and Preservation Commission to Reflect New Duties Required Under the Ordinance - Applicant: The City of Claremont

Principal Planner Veirs presented a PowerPoint presentation and addressed Commissioners' inquiries regarding updated Commissioner qualifications, the process for developing design standards and guidelines for specific districts, approval or denial qualifications, the ordinance approval process, implementing objective standards, the requirement for changing the Architectural Commission name, and the process for determining neighborhood design standards.

Mr. Veirs and Chair Neiuber described what design guidelines for specific neighborhoods include and how character-defining features could be defined by neighborhood.

Principal Planner Veirs addressed additional Commissioner inquiries regarding the timeline for determining objective design standards for specific areas, State requirements for Commission staffing, who is responsible for reviewing requests for cultural resources, the process for determining neighborhood standards, and whether the City website will include information regarding the approved guidelines and information for historic buildings.

Chair Neiuber invited public comment.

Mary Stoddard, voiced support for the Ordinance's adoption, and how it will strengthen and simplify regulations, discussions, and decisions for citizens, applicants, staff, and commissions. She believes the Ordinance's adoption is critical for protecting valuable City resources and will aid efforts to retain the character of Claremont while facing mounting development pressures.

Ginger Elliott, agreed with previous comments, Commissioners' input, and encouraged the Commission to approve the Ordinance. She also shared that the Ordinance will continue and reinforce existing preservation efforts in a way that complies with evolving State guidelines.

Karen Rosenthal, shared that her neighborhood has different, unique designs of historic homes that need to be preserved. People are drawn to Claremont because of its unique character and the ties the City has to prior cultural and architectural history. She encouraged the Commission to pass the Ordinance along for City Council approval.

Jesse Emmert, summarized written comments submitted by Claremont Heritage in support of the Cultural Resources Preservation Ordinance because it clarifies and codifies what is currently in practice. The Ordinance establishes important tools for maintaining City heritage, education, cultural identity, aesthetic appeal, economic benefits, and environmental sustainability.

Martin McLeod, shared his support and acknowledged the amount of work put into the Ordinance. Having the Ordinance codified will eliminate fighting individual project battles

and instead will implement the collective vision for Claremont. He encouraged the Commission to move forward with the Ordinance.

Jennifer Descombes, agreed with previous comments made and spoke in favor of the Ad Hoc Committee and the Ordinance. She raised concern for properties that have been lost to neglect or disrepair to highlight the need for adoption. She encouraged staff to address neglected properties, the responsibility of realtors sharing information with new buyers of historic homes, and suggested that new buyers should not be allowed to declare hardship, as they were aware of the status of a property when they bought it.

There were no further requests to speak.

The Commission provided supportive comments, requested no Ordinance changes, and unanimously recommended City Council approval of the Ordinance as currently drafted.

## **REPORTS**

This item starts at 02:29:33 in the archived video.

### Commission

#### Commissioner Comments

Chair Neiuber shared that there was no recent Art Committee meeting.

#### Staff Briefing on Council Meetings

Principal Planner Veirs reported on items of interest from the previous City Council meeting.

#### Briefings on Other Items

There was no report.

#### Upcoming Agendas and Events

Principal Planner Veirs described items expected to come before the Commission at the February 28, 2024 meeting.

## **ADJOURNMENT**

Chair Neiuber adjourned the meeting at 9:32 PM

  
Chair

ATTEST:



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Administrative Assistant