

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.

(2024-01)

**§ 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 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.

"Demolition" is the destruction or removal of one or more character-defining features in

whole or in part of any structure or site.

"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 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.

"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.

"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.

"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.

"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.

"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 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.  
(2024-01)

#### **§ 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.

(2024-01)

**§ 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."

(2024-01)

**§ 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 the ordinance codified in this chapter, 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.

(2024-01)

**§ 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.

(2024-01)

**§ 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.

(2024-01)

**§ 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.

(2024-01)

**§ 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 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 contains within its boundaries, a minimum of 50 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 facade 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 have an overall tree risk rating of high or extreme as designated by an International Society of Arboriculture Tree Risk Assessment Qualified (ISA TRAQ) arborist.

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.

(2024-01)

#### **§ 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 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 300 feet of the proposed boundary of the district.

4. Notices shall be sent at least 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 10 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 90 days of the determination that the application is complete. Within 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 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 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.

(2024-01)

**§ 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.

(2024-01)

#### **§ 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, Section 15002(i)).

(2024-01)

#### **§ 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 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.

(2024-01)

**§ 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 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 10 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 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.

1. 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 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 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 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.

(2024-01)

### **§ 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 an 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 International Society of Arboriculture Tree Risk Assessment Qualified Arborist (ISA TRAQ).
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 TRAQ 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 Section 65915), the Accessory Dwelling Unit Law (California Government Code Section 65852.2), and/or the Housing Accountability Act (California Government Code Section 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.

(2024-01)

**§ 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 façades 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.

(2024-01)

#### **§ 16.302.180. Expiration of certificates of appropriateness.**

A Certificate of Appropriateness shall lapse and become void 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 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 12 months and may approve extension requests with conditions, or deny any request for extension.

(2024-01)

#### **§ 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 10 days prior thereto. The Commission's decision may be appealed to the City Council, as provided below.

(2024-01)

#### **§ 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.

(2024-01)

#### **§ 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.

(2024-01)

#### **§ 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 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 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 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 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.

(2024-01)

**§ 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.
- (2024-01)

**§ 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.

(2024-01)

**§ 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.

(2024-01)

**§ 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 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 C of this section 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 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 C of this section 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 or more lots, and proposes to build two or more buildings or structures, after the expiration of the construction permit ban set forth in subsection C above, the application shall be considered under the City's subdivision code; provided, however, at least one 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 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 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.

(2024-01)