

Chapter 153: City of San Gabriel Municipal Code
HISTORIC PRESERVATION AND CULTURAL RESOURCE ORDINANCE

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153.600 Title.

This Chapter shall be known as the “Historic Preservation and Cultural Resource Ordinance” of the City of San Gabriel.

153.601 Enabling Authority.

California Government Code Sections 65850 and 37361 enable municipal legislative bodies to “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.”

153.602 Purpose.

The City of San Gabriel, as the birthplace of the Los Angeles metropolitan region, is home to a wide range of significant Cultural Resources that reflect our shared heritage and history. Cultural Resources in the City encompass a range of resource types. These include paleontological resources, archaeological and Native American resources, buildings, structures, objects, historic districts, sites, public art and parks, cultural landscapes, and natural features. The retention and stewardship of Cultural Resources is of vital importance to retain and protect our heritage. The City Council also recognizes the right of private property owners to the use of their property and seeks to balance historic preservation important to the community as a whole with the rights of the property owner.

The purpose of the Historic Preservation and Cultural Resource Ordinance is to promote the public health, safety, and general welfare by providing for the identification, designation, protection, enhancement, and ongoing use of Cultural Resources that represent the City’s cultural, architectural, social, historical, economic, and political heritage. It is the intent and purpose of the San Gabriel City Council in passing this Chapter to:

- A. Preserve, maintain, and safeguard the City’s heritage and character, for the enjoyment of present and future generations, by providing for the protection and thoughtful management of cultural resources as defined in this article;
- B. Foster awareness, recognition, and stewardship of the City’s archaeological and Native American Cultural Resources;
- C. Encourage public knowledge and appreciation of the City’s heritage and foster civic and neighborhood pride and sense of identity through the recognition of Cultural Resources;
- D. Encourage the maintenance and preservation of cultural landscapes that contribute to the historic character of our neighborhoods and built environment;
- E. Recognize the City’s Cultural Resources as economic assets;
- F. Stabilize and improve property values within the City and increase the economic and financial benefits to the City and its inhabitants through the preservation, rehabilitation, and ongoing use of Cultural Resources;
- G. Integrate the conservation of Cultural Resources into the public and private development process;
- H. Implement the goals and policies of the General Plan Cultural Resources Element;

I. Facilitate the City's compliance with the National Historic Preservation Act (NHPA) and California Environmental Quality Act (CEQA) and their provisions for cultural and historical resources;

J. Preserve diverse and significant architectural styles and property types reflecting the City's history and encourage complementary new construction and design, to maintain the City's historic scale and character;

K. Adopt and encourage the use of historic preservation incentives, both regulatory and economic, that promote the retention, rehabilitation, and protection of Cultural Resources.

153.603 Definitions.

The following terms when used in this Chapter shall have the meaning set forth in this Section, unless a different meaning clearly appears from the context:

“Alteration” means any act or process that modifies a Cultural Resource that either: (1) requires a building or other permit and/or changes one or more of the features of a landscape or structure including, without limitation, the setting of the resource or the construction, reconstruction, or relocation of any structure or any part of a structure; or (2) significantly changes the setting and/or any character-defining feature of a landscape or exterior of a structure that relates to its status as a historic landmark or contributing resource.

“Archaeological Resource” means a Cultural Resource that is any material remains of past human life, activities, or habitation that are of historic or prehistoric significance. Such resources might include, but are not limited to, tools, pottery, weapons, weapon projectiles, structures or portions/remnants of structures, rock carvings, graves, skeletal remains, personal items and clothing, or other items.

“California Environmental Quality Act” (or “CEQA”) shall mean the statute and regulations applying to public agencies in California as codified in the California Public Resources Code Section 21000 et seq., as it may be amended from time to time, and the corresponding Guidelines for the California Environmental Quality Act in the California Code of Regulations, Section 15000-15387, Title 14, Chapter 3, as it may be amended from time-to-time.

“California Native American tribe” means a Native American tribe located in California that is on the contact list maintained by the Native American Heritage Commission.

“California Historical Building Code” (also known as the “State Historic Building Code,” SHBC), as codified in Part 8, Title 24 of the State Building Standards Code, shall apply to all qualified Cultural Resources designated or included in an adopted inventory per federal, state, and local authority. The SHBC provides alternative, performance-based building and zoning regulations to allow for upgrades, changes to, and ongoing use of historically significant properties that preserve their historic integrity.

“Certificate of Economic Hardship” means the certificate granted to a property owner or applicant by the Cultural Heritage Commission to approve an Initial Review or Certificate of

Demolition for a project that, due to undue economic hardship on the owner, does not comply with the *Secretary's Standards for the Treatment of Historic Properties*.

“Character-Defining Feature” means the physical elements and characteristics of a Cultural Resource that lend the resource its authenticity and significance. Character-defining features can include, but are not limited to, a property’s setting and site plan, overall form and massing, architectural style, materials, finishes, and decorative detailing, as well as relationship to neighboring properties, planning features, hardscaping and landscaping, and interior features.

“Community Development Director” (or “Director”) means the Director of the Community Development Department or her/his designee.

“Conservation Overlay Zone” (COZ) means an area that contains, within defined boundaries, a cohesive concentration of related buildings, structures, sites, objects, planning features, or natural/landscape features. A Conservation Overlay Zone is distinguished from a Historic District in that it does not qualify as a Historic District as defined in this Chapter but nonetheless contains a cohesive collection of related properties that, considered together, are of interest to local planning. The Conservation Overlay Zone is not a historical resource pursuant to CEQA.

“Contributing Resource” (or “Contributor”) means a Cultural Resource that is any building, structure, object, site, planning feature, sign, area, place, landscape, or natural feature within a historic district that contributes to the district’s historic, cultural, or architectural significance.

“Cultural Resource” means the broad category of all historic and prehistoric (archaeological, Native American, and paleontological) resource types that are significant in the history or prehistory of the city, region, state, or nation as defined in this Chapter. Cultural Resources include resources listed on or found eligible for listing on the National Register of Historic Places, California Register of Historical Resources, San Gabriel Register of Cultural Resources, and the San Gabriel Inventory of Cultural Resources. Cultural Resources can include paleontological resources, archaeological and Native American resources, buildings, structures, objects, historic districts, sites, public art and parks, cultural landscapes and natural features, and/or any resource defined by the CEQA Guidelines [California Code of Regulations Title 14] Section 15064.5(a).

“Cultural Resource Management Guidelines” means a set of guidelines developed by the Cultural Heritage Commission that describes requirements for the identification of archaeological, Native American, and paleontological resources and the preparation of Phase I Cultural Resources inventory reports; for the significance evaluation archaeological and Native American resources and the preparation of Phase II Cultural Resources evaluation reports; for the mitigation of substantial impacts to significant archaeological resources through data recovery and the preparation of Phase III archaeological data recovery reports; and for the preparation of other cultural resources studies and reports.

“Cultural Resource Sensitivity Map” means the confidential map commissioned and maintained by the Director showing the location of culturally sensitive areas, including parcels

and/or properties known or suspected to contain Cultural Resources. Access to the Cultural Resource Sensitivity Map shall be subject to the provisions of the federal Archaeological Resources Protection Act (16 USC Section 470hh), which requires that Cultural Resource site locations remain confidential in order to ensure their preservation. The California Public Records Act also provides for the nondisclosure of Cultural Resource information (California Government Code, Section 6254.10).

“Demolition” means any act or process that destroys, in whole or in part, a building, structure, or site or permanently impairs its structural integrity.

“Historic District” means a type of Cultural Resource that is a geographic area having a significant concentration, linkage, or continuity of buildings, structures, objects, planning features, sites, natural/landscape features and other features united historically or aesthetically by plan or physical development.

“Historic Integrity” refers to the authenticity of a property’s historic identity. Properties with historic integrity are those properties that retain enough of their original materials, features, and characteristics that they continue to convey the reasons for their significance. Original materials generally date from the property’s early period. As defined by the National Park Service and in accordance with the accepted standards of professional preservation practice, historic integrity is the composite of seven aspects of integrity: location, design, setting, materials, workmanship, feeling and association. Historic integrity is not the same as condition; a deteriorated property may still retain historic integrity.

“Historic Landmark” means a type of Cultural Resource that is any improvement or natural feature that meets the eligibility criteria defined in Section 153.607 and is subsequently nominated and added to the San Gabriel Register of Cultural Resources.

“Historic Preservation and Cultural Resource Commission” (or “Commission”) means the Historic Preservation and Cultural Resource Commission established pursuant to this Chapter.

“Historic Resource Evaluation” means an in-depth study of a property to determine its eligibility as a federal, state, or local historic landmark. A historic resource evaluation generally results in a report including detailed, property-specific information about the resource. This information can include ownership/occupant history, historic context and themes of significance, character-defining features, as well as building type, dates of construction, architectural style, description of other design aspects, materials, and setting, approximate dates of exterior alterations, physical condition, and historic integrity analysis.

“Historic Resource Survey” means a neighborhood- or city-wide survey to identify eligible Cultural Resources, including buildings, structures, objects, sites, Historic Districts, planning features, public art and parks, cultural landscapes, Conservation Overlay Zones, and other features. A historic resource survey generally results in an inventory of properties that are potentially eligible for national, state, or local landmark designation. The survey produces basic information about each resource. This information generally includes building type, dates of construction, architectural style, description of other design aspects, materials, and setting, approximate dates of exterior alterations, physical condition, and notes on historic integrity.

“Improvement” means any building, structure, sign, fence, gate, wall, landscape, work of art, or other object affixed to and constituting a physical betterment of real property, or any part of such betterment.

“Initial Review” means the review completed by the Cultural Heritage Commission to determine if an application to make Major Alterations, relocate, or demolish a designated Cultural Resource is historically appropriate. Completion of the Initial Review will result in a finding that the proposed changes are in accordance with the *Secretary of the Interior’s Standards for the Treatment of Historic Properties* and other applicable design guidelines provided for in this Chapter and will result in no significant adverse impacts to the Cultural Resource.

“Initial Review Administrative Clearance” means the review completed by City staff, at the administrative level, finding that an application for a Minor Alteration to a Cultural Resource is historically appropriate and in accordance with the *Secretary of the Interior’s Standards for the Treatment of Historic Properties* and other applicable design guidelines provided for in this Chapter and will result in no significant adverse impacts to Cultural Resources.

“Major Alterations” means any work to a property that includes the alteration, removal, or obstruction of character-defining features, elevations, and spaces, or additions to a property that are visible from the public right-of-way, or, for properties not visible from the public right-of-way, those character-defining features that are visible from the front of the property. Major Alterations to a designated Cultural Resource are subject to an Initial Review by the Cultural Heritage Commission.

“Mills Act Historic Property Contract” (or “Mills Act Contract”) shall mean the historic property contract between the City and property owner that provides the potential for reduced property taxes in return for the rehabilitation, restoration, and preservation of an historic resource, pursuant to California Government Code Section 50280 et seq. and California Revenue and Taxation Code Section 439 et seq.

“Minor Alterations” means any work to a property that does not include changes/removal of character-defining features and is subject to an Initial Review Administrative Clearance. Minor Alterations generally include the following, to the extent they do not include changes/removal of, or do not affect, character-defining features: (1) paint color; (2) roofing material; (3) repairs to foundations; (4) Ordinary Maintenance and Repair; (5) landscaping, including sprinkler system work (if the work does not involve character-defining landscaping or hardscaping features); (6) hardscaping and paving work (if the work does not involve character-defining landscaping or hardscaping features); (7) alterations carried out on the interior that do not affect the exterior of property (unless those interior features were historically accessible by the public and are specifically mentioned as character-defining features in an approved landmark designation or adopted survey); and (8) replacement of existing screens and awnings with the same or substantially consistent materials, form, and shape.

“National Environmental Policy Act” (or “NEPA”) shall mean the statute codified in 42 USC Section 4321 et seq., and the regulations established in the Code of Federal Regulations, Title 40, Sections 1500-1508, requiring environmental review and outreach for qualifying projects.

“Native American Resources” means sites, features, places, cultural landscapes, sacred places, and objects with cultural value to a California Native American tribe.

“Non-contributing Resource” (or “Non-contributor”) means any building, structure, object, site, sign, area, place, or natural feature within a historic district that does not meet the criteria for eligibility, does not contribute to the district’s historic, cultural, or architectural significance, and therefore is not a Cultural Resource for the purposes of this Chapter.

“Ordinary Maintenance and Repair” means work on a Cultural Resource that (i) does not, by law, require issuance of a permit; (ii) involves regular or customary care of an existing building, structure, object, or site, for the purposes of preserving the property and maintaining it in a safe and sanitary condition; and (iii) does not involve a change of design, material, or appearance of any identified character-defining features.

“Paleontological Resources” means those Cultural Resources that consist of fossils, or the remains, imprints, or traces of once-living organisms preserved in rocks and sediments. Significance for paleontological resources shall be defined by a qualified paleontologist as defined in this Chapter.

“Preservation” means the act or process of sustaining the existing materials, form, and integrity of a historic property. The focus of Preservation is protecting and stabilizing the property, through on-going Maintenance and Repair of historic materials and features, rather than extensive replacement and new construction.

“Property Owner” or “Owner” means the person or persons appearing as the latest owner of the improvement, natural feature or site on the most recent equalized assessment roll of the County of Los Angeles.

“Qualified Professional(s) shall mean any of the following professions/occupations:

- Archaeologist shall refer to an archaeologist who meets and/or exceeds the Secretary of the Interior’s Professional Qualifications Standards in archaeology, as defined by the National Park Service (36 CFR 61).
- Architectural Historian shall refer to an architectural historian who meets and/or exceeds the Secretary of the Interior’s Professional Qualifications Standards in architectural history, as defined by the National Park Service (36 CFR 61).
- Economic Professional shall refer to a qualified economic consultant selected and approved by the City.
- Historian shall refer to a historian who meets and/or exceeds the Secretary of the Interior’s Professional Qualifications Standards in history, as defined by the National Park Service (36 CFR 61).

- Historic Architect shall refer to a licensed architect who meets and/or exceeds the Secretary of the Interior’s Professional Qualifications Standards in historic architecture, as defined by the National Park Service (36 CFR 61).
- Native American Monitor shall refer to a California Native American who submits verifiable evidence, approved by the Director, that she/he is of Gabrielino (or Tongva or Kizh) descent and that she/he has a minimum of thirty (30) days of on-site experience monitoring California cultural resource sites.
- Paleontologist shall refer to a paleontologist who is a Qualified Professional Paleontologist as defined by the Society of Vertebrate Paleontology.
- Structural Engineer means 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. When working with historic buildings and structures for the City of San Gabriel, the Structural Engineer shall have experience in historic preservation.

“Rehabilitation” means the act or process of making possible a compatible use for a property through repair, alterations, and additions while preserving those portions or features which convey its historical, cultural, or architectural significance.

“Restoration” means the act or process of accurately depicting the form, features, and character of a property as it appeared at a particular period of time by means of the removal of features from other periods in its history and reconstruction of missing features from the restoration period, which may include the limited and sensitive upgrade of mechanical, electrical, and plumbing systems and other code-required work to make the property functional and safe.

“San Gabriel Inventory of Cultural Resources” (or “Inventory”) means the inventory of buildings, structures, objects, sites, historic districts and historic district contributors, signs, areas, landscapes, places, and natural features in the City that have been found potentially eligible for historic designation through an adopted historic resource survey prepared and approved in accordance with the provisions of this Chapter. The Inventory of Cultural Resources shall be prepared and approved in accordance with Section 153.605. The locations of archaeological resources shall remain confidential, pursuant to the federal Archaeological Resources Protection Act (16 USC, Section. 470hh) and California Public Records Act (California Government Code, Section 6254.10).

“San Gabriel Register of Cultural Resources” or (“Register”) means the list or register of designated Cultural Resources, including individual historic landmarks, historic districts, and their contributing features, archaeological resources, paleontological resources, and Native American resources, prepared and approved in accordance with the provisions of this Chapter. The locations of archaeological resources shall remain confidential, pursuant to the federal Archaeological Resources Protection Act (16 USC, Section 470hh) and California Public Records Act (Government Code, Section 6254.10).

“*Secretary of the Interior’s Standards for the Treatment of Historic Properties*” (or “*Secretary’s Standards*”) means the Standards and Guidelines developed by the United States Department of the Interior, National Park Service (36 CFR 68), for the preservation, rehabilitation, restoration, and reconstruction of Cultural Resources. In accordance with California Code of Regulations Title 14, Chapter 3, Section 15064.5, 15126.4(b)(1), and 15331, physical changes to historical resources that conform with the *Secretary’s Standards* are generally considered to be mitigated to a level of less than significant under CEQA. Projects complying with the *Secretary’s Standards* may be eligible for a Class 31 Categorical Exemption from CEQA.

153.604 Historic Preservation and Cultural Resource Commission.

A. Establishment of Commission. There is hereby created the San Gabriel Historic Preservation and Cultural Resource Commission. The Commission shall have and exercise the powers and perform the duties set forth in this Chapter. Except as otherwise specified in this Chapter, the Commission shall be subject to the provisions of Chapter 33 (Commissions) of this Code.

B. Composition and Appointment of Members. Commissioners shall be appointed pursuant to Chapter 33 (Commissions) of this Code. All members shall have an expressed and/or demonstrated interest, experience, or knowledge of the cultural heritage, history, and/or architecture of the City. Preference shall be given to residents of the City.

At least two members are encouraged to be appointed from among professionals in the disciplines of anthropology, archaeology, architecture, history, historic preservation, landscape architecture, urban planning, land economics, real estate or a related discipline, to the extent that such professionals are available in the community.

C. Terms and Vacancies. The Commission will consist of five members to be appointed by the City Council. The members will serve for terms of two years, with the possibility of reappointment by the City Council of one additional two-year term. Any vacancy shall be filled by the City Council within a reasonable time after the vacancy occurs, for the unexpired term. Members shall serve until their successors are appointed. The members of the Commission shall serve without compensation.

D. Chairman, Vice-Chairman, Secretary, Rules. The Commission shall elect its chairman and vice-chairman who shall have the power to administer oaths and take testimony.

E. Member’s Failure to Attend Meetings, Successor. If a member of the Commission fails to attend three consecutive regular meetings of the Commission, or fails to attend fifty percent or more of the regular meetings of the Commission during a calendar year, unless excused by the Chairman, the City Council may declare such member’s seat vacant and appoint a new member to serve the balance of the unexpired term.

F. Meetings and Record of Proceedings. The Commission shall meet on a quarterly basis, at minimum, and monthly basis if needed, as determined by the Director. All meetings of the Commission (1) shall be open to the public and (2) noticed and held in compliance with the

provisions of the state's Ralph M. Brown Act. The Commission shall keep a record of minutes of all of its proceedings and actions, which shall be available for public inspection.

G. Powers and Duties. The Commission shall have the following powers and duties, in addition to any other duties specified in this Chapter:

1. General Powers. The Commission shall be an advisory board to the City Council, Planning Commission, and all City departments and staff on all matters relating to the identification, protection, retention, preservation, and registration of Cultural Resources in the City, as directed by the City Council.

2. Enumerated Powers. The Commission shall have the following powers and duties in addition to those otherwise provided in this article:

- a. Administer the provisions of this Chapter;
- b. Advise the City Council in all matters pertaining to Cultural Resource management and historic preservation in the City;
- c. Compile and maintain for public use and information the San Gabriel Register of Cultural Resources;
- d. Compile, maintain, and periodically update the San Gabriel Inventory of Cultural Resources;
- e. Recommend the designation, nomination, and approval of eligible Cultural Resources and Conservation Overlay Zones;
- f. Approve or disapprove in whole or in part applications for the demolition, alteration, or relocation of properties included on the Register and Inventory in accordance with the provisions of this Chapter;
- g. Approve or disapprove in whole or in part applications for Certificates of Appropriateness for in-fill/new construction within historic districts listed on the Register;
- h. Review and comment on the decisions and documents, including but not limited to environmental assessments, Environmental Impact Reports, and Environmental Impact Statements, prepared by the City or other public agencies when such decisions or documents might affect designated or eligible historical resources within the City;
- i. Participate in, promote, and conduct public informational, educational, and interpretive programs pertaining to historic preservation;
- j. Recommend and encourage the protection, enhancement, appreciation, and use of properties of cultural, historical, architectural, community or aesthetic value that have not been designated as Cultural Resources but are deserving of recognition;

k. Review applications and make recommendations to the City Council on Mills Act Contract applications and other incentive programs;

l. Upon request, make recommendations to the Planning Commission on zoning and general plan amendments related to historic preservation goals and policies; and

m. Perform any other functions that may be designated by resolution or action of the City Council.

3. Secretary. The Director shall act as Secretary of the Commission and shall be custodian of its records, conduct official correspondence, and generally coordinate the clerical and technical work of the Commission in administering this Chapter.

153.605 San Gabriel Inventory of Cultural Resources.

A. Purpose. The Cultural Resources Chapter of the General Plan includes goals and targets intended to identify and protect San Gabriel’s Cultural Resources. Target 11.4.2 specifies the creation of an inventory of “San Gabriel’s cultural resources and landscapes.” This section furthers this goal by creating the San Gabriel Inventory of Cultural Resources (Inventory).

B. Intent. This section establishes the process for creating and managing the Inventory, which is the City’s list of potentially eligible Cultural Resources.

C. Inventory of Cultural Resources Established. The City shall create and maintain an official list of properties known as the San Gabriel Inventory of Cultural Resources (“Inventory”). The Inventory shall be a list of potentially eligible Cultural Resources identified through a historic resource survey. The historic resource survey creating the Inventory shall be completed under the direction of the Director and Commission by a qualified architectural historian or historian as defined in this Chapter, in accordance with accepted professional practices. Prior to commencement of a historic resource survey, the City shall commission the preparation of a citywide Historic Context Statement, in order to identify significant themes and patterns of development and to develop a consistent framework for survey work and evaluations.

D. Inventory Creation, Review, and Adoption. Within the first year of its establishment, the Commission shall forward a plan to the City Council recommending a comprehensive and systematic historic resource survey, which will provide the basis for the Inventory. The Inventory shall be reviewed and approved by the Commission. The Commission shall then refer the Inventory to the City Council for discussion and approval. The Commission shall compile and maintain the Inventory of Cultural Resources.

E. Inventory Updates. In accordance with the purpose of this Chapter and to ensure the City’s proactive identification and treatment of Cultural Resources, and consistent with the intent of California Public Resources Code Section 5024.1.g(4), the Inventory shall be reviewed at minimum every five years and periodically updated through historic resource surveys.

F. Inventory Notification. All owners and residents of properties included on the Inventory shall be notified by the City of this inclusion, in a process and timeline to be determined by the Director. In order to ensure that owners, residents, and potential owners are aware of the

status of Cultural Resources, the Director and Building and Safety Division shall implement and oversee a system for clearly identifying and marking the building records of all Inventory-listed properties.

G. Inventory of Cultural Resources and CEQA. In accordance with California Code of Regulations Title 14, Chapter 3, Section 15064.5(a)(2), properties included on the Inventory of Cultural Resources shall be considered historical resources for purposes of CEQA.

153.606 San Gabriel Register of Cultural Resources.

A. Purpose. The Cultural Resources Chapter of the General Plan includes goals and targets aimed at identifying, conserving, and protecting San Gabriel's Cultural Resources. The creation of the San Gabriel Register of Cultural Resources (Register) forwards the goals of the General Plan.

B. Intent. This section establishes the process for creating and managing the Register, which is the City's list of officially designated Cultural Resources.

C. Register of Cultural Resources Established. There is hereby established the San Gabriel Register of Cultural Resources ("Register"). The Register shall include all locally designated Cultural Resources, as well as properties designated on the National Register of Historic Places and California Register of Historical Resources.

D. Automatic Designation. Any property within the City that is listed on the National Register of Historic Places or California Register of Historical Resources shall be automatically locally designated and included on the Register. City staff shall use due diligence to review the federal and state listings, through independent research and outreach to the State Office of Historic Preservation and/or Keeper of the National Register, in order to establish and periodically update the Register.

E. Prior Local Designations. Any property designated as a culturally significant landmark or as a historic landmark by the City on or before the effective date of this Chapter shall be automatically designated as a Cultural Resource for purposes of this Chapter and included on the Register. Any historic property under a Mills Act Contract at the time of the adoption of this Chapter shall also be automatically added to the Register.

F. New Designations. New designations of Cultural Resources shall be initiated in accordance with the criteria and procedures set forth in this Chapter.

G. Designation Runs with the Land. The designation of a Cultural Resource shall not be affected by a change of the property owner.

H. Rescission of Designation. The conditions and process for amendment or rescission of a Cultural Resource designation are described in Section 153.612 (Amendment or Rescission of Designation).

153.607 Designation Criteria for Historic Landmarks.

On the advice of the Commission, the City Council may designate a property, site, public art, park, cultural landscape, or natural feature as a historic landmark and add it to the San Gabriel Register if it meets the requirements described in paragraphs A and B:

A. The property meets one of the following eligibility criteria:

1. It is or was once associated or identified with important events or broad patterns of development that have made a significant contribution to the cultural, architectural, social, historical, economic, and political heritage of the city, region, state, or nation.

2. It is or was once associated with an important person or persons who made a significant contribution to the history, development, and/or culture of the city, region, state, or nation.

3. It embodies the distinctive characteristics of a style, type, period, or method of construction; represents the work of a master, or possesses high artistic or aesthetic values; or it represents one of the last, best remaining examples of an architectural type or style in a neighborhood or the city that was once common but is increasingly rare.

4. It has yielded or has the potential to yield information important to the prehistory or history of the city, region, state, or nation.

B. The property retains integrity from its period of significance, as determined by a qualified architectural historian or historian. A proposed historic landmark need not retain all seven aspects of historic integrity (location, design, setting, materials, workmanship, feeling, and association), but it must retain sufficient integrity to convey the reasons for its cultural, architectural, social, historical, economic, and political significance.

C. Neither the deferred maintenance of a proposed historic landmark nor its dilapidated condition shall, on its own, be equated with a loss of integrity. Integrity shall be judged with reference to the particular characteristics that support the property's eligibility under the appropriate criteria and theme of significance.

153.608 Designation Criteria for Historic Districts.

A. In addition to satisfying the criteria in Section 153.607(A) when recommending the designation of a historic district, the Commission must also find:

1. That the historic district is an identifiable and distinct entity with discernible boundaries, consisting of a cohesive concentration, linkage, or continuity of sites, buildings, structures or objects united historically or aesthetically by plan or physical development. Thematic districts are not required to have physical or contiguous boundaries.

2. That the historic district retains integrity from its period of significance as determined by a qualified architectural historian or historian. Not all properties or features within a proposed district need to retain all seven aspects of integrity (location, design, setting, materials,

workmanship, feeling, and association), but a substantial number of such properties and structures must retain sufficient integrity to convey the historic, cultural, or architectural significance of the district.

B. The components of an eligible historic district may lack individual distinction but still represent a significant and distinguishable entity that meets eligibility criteria.

C. In recommending approval of a historic district, the Commission may recommend the adoption of district-specific design guidelines to guide subsequent in-fill and new construction, alterations and additions, and to further the purpose of this Chapter.

D. Neither deferred maintenance within a proposed district nor the dilapidated condition of its constituent buildings and landscapes shall, on its own, be equated with a loss of integrity. Integrity shall be judged with reference to the particular characteristics that support the district's eligibility under the appropriate criteria and theme of significance.

153.609 Designation Procedures – Historic Landmarks.

A. Application. The Cultural Heritage Commission, upon its own initiative or upon the written request of any person or group, including the San Gabriel Historical Association, or any City agency, may recommend the designation of a historic landmark to the Register. In the event the City Council, City agency, or Commission initiates the application, the Director shall oversee and cause the completion of the required application.

B. Notification of Property Owners. The property owner of each Cultural Resource nominated to the Register shall be notified by the City of the proposed designation prior to the Commission hearing at which the application is considered. Notification shall be to the last owner of record as contained on the assessor's parcel list and shall be by certified mail. Property owners shall have the right to protest the designation of their property before the Commission and City Council. Such protest shall be in writing to the Community Development Department and/or presented in testimony before the Commission and/or City Council.

C. Landmark Application Materials. All applications for designation shall be made on a form prescribed by the Director and shall include the following data:

1. The assessor's parcel number and legal description of the site.
2. A description of the property and statement of how it qualifies under the criteria described in Section 153.607 or 153.608.
3. A detailed architectural description, enumerating the property's character-defining features, elevations, and spaces.
4. Construction chronology of the property, including detailed history of major alterations/additions.
5. Ownership history.

6. A statement of significance describing why and how the property or feature meets the eligibility criteria of the Code including the area of significance, theme, and period of significance.

7. Current photographs and (if available) historic photographs, maps, sketches, drawings, or other descriptive material as available to support the nomination.

8. Any applicable fees as determined by the Director, and such other information as requested by the Commission or Director.

D. Confirmation of Eligibility. At the discretion of the Director, a historic resource assessment may be prepared to provide a professional peer review of a designation application, to confirm the finding of eligibility. Such an assessment shall be submitted to the Commission for review and concurrence. The assessment shall be completed by a qualified architectural historian or historian as defined in this Chapter.

E. Commission Review and Recommendation. The Commission shall review and conduct a public hearing on the application. The public hearing will be noticed in accordance with the provisions of this Chapter. After the close of the hearing, the Commission shall adopt a resolution recommending to the City Council the approval, conditional approval, or denial of the application.

F. City Council Determination. After receiving the Commission's recommendation, the City Council shall conduct a public hearing on the landmark nomination application. The public hearing will be noticed in accordance with the provisions of this Chapter. The City Council shall adopt a resolution approving, conditionally approving, or denying the application. If the City Council has not taken action on the application within 180 days of the Commission's recommendation, then the application shall be deemed denied.

G. Designation.

1. Upon designation by the City Council, the Director or her/his designee shall forward a copy of the resolution approving the designation of a historic landmark to any department or agency that the Director deems appropriate, and shall record or cause to be recorded the location, characteristics, and significance of the historic landmark on a California Department of Parks and Recreation Historic Resources Inventory Form 523, or current equivalent form, in accordance with the practices specified by the State Office of Historic Preservation for the recordation of Cultural Resources.

2. Upon adoption and placement of the property on the Register, the resolution of designation shall be recorded with the County Recorder's office pursuant to California Public Resources Code, Section 5029, as it may be amended from time to time.

3. A designated Cultural Resource may be identified by an approved City marker, but such a marker is not required.

H. Building Records for Register-Listed Properties. In order to ensure that owners, residents, and potential owners are aware of the status of Cultural Resources in the City, the

Director and Building and Safety Division will implement and oversee a system for marking and identifying the building records of all Register-listed properties in the City.

153.610 Designation Procedures – Historic Districts.

A. Applicable Historic Landmark Procedures. Procedures for the application process and designation of historic districts shall be the same as those applicable to historic landmarks, except as modified by this Section.

B. Applications. In addition to all other information and materials described in Section 153.609, applications for designation of historic districts shall include a clear description of its boundaries and an itemization of all contributing and non-contributing resources and features within those boundaries. The district report shall be prepared by a qualified architectural historian or historian. .

C. Commission and City Council Action.

1. Whenever the City Council designates a historic district, it shall also adopt: (1) a written description and clear depiction of the district boundaries; and (2) a detailed report that identifies and describes the contributing resources and elements of the district, as well as those resources and elements that are not contributing resources.

2. Subsequent demolition of non-contributors, new construction, alterations, or additions to properties within the designated historic district shall be subject to the Initial Review process for historic appropriateness as described in this Chapter.

3. The Director or Commission may also prepare or commission the preparation of design guidelines for designated historic districts. Design guidelines shall establish approaches and standards for new construction, alterations, and additions within the boundaries of the historic district. In addition to (or in the absence of) design guidelines, the *Secretary's Standards* shall be used in the completion of the Initial Review process for historic appropriateness for new construction, alterations, and additions.

153.611 Conservation Overlay Zones -- Criteria and Procedures.

A. Purpose. The Cultural Resources Chapter of the General Plan includes a number of goals and targets intended to identify, conserve, and protect the historic character of the City's neighborhoods. Allowing for the identification and adoption of Conservation Overlay Zones forwards General Plan goals and targets.

B. Intent. This section establishes the criteria and process for identifying and adopting Conservation Overlay Zones.

C. Definition. Conservation Overlay Zones are cohesive groupings of related properties that convey an era or type of construction in the City's history but do not qualify for designation as historic districts. This Chapter provides for the identification and management of such Conservation Overlay Zones. Alterations to properties and features found to be contributing elements of Conservation Overlay Zones shall be subject to design guidelines and standards as

adopted by the Commission. For purposes of CEQA, Conservation Overlay Zones are not historical resources.

D. Procedures. As verified by a qualified architectural historian or historian through a historic resource survey or evaluation, the Commission may approve the creation of a Conservation Overlay Zone if the proposed zone meets one of the following criteria:

1. It represents a grouping of properties and features with a cohesive and identifiable setting, architectural style, scale, or character, and/or development history or association that makes it an integral part of the City's identity; or

2. It represents a recognized neighborhood identity with a definable physical character whose retention would contribute to the historic character and setting of the City.

E. Design Guidelines and Preservation Plan. The adoption of a Conservation Overlay Zone may be accompanied by design guidelines and a preservation plan to guide new construction/in-fill, major alterations, and additions within the boundaries of the Conservation Overlay Zone.

153.612 Amendment or Rescission of Designation.

A. Criteria for Rescission. Once a Cultural Resource has been designated, it shall not be repealed by the City Council unless it is determined that: (1) the evidence used to establish the designation was erroneous; or (2) the Cultural Resource no longer meets the criteria for designation established in Sections 153.607 and 153.608 of this Chapter.

B. Amendment or Rescission. The City Council may amend or rescind the designation of any designated Cultural Resource in the same manner that is followed for designation. This process shall be considered a discretionary action under CEQA.

153.613 Duty to Maintain Designated Cultural Resources.

A. Purpose. The owner, or other person in charge, of a Cultural Resource listed on the Register has a duty to maintain in good repair all exterior features and to comply with all applicable codes, laws, and regulations governing the maintenance of the Cultural Resource. It is the intent of this section to preserve from deliberate or inadvertent neglect the exterior features of Cultural Resources and the interior portions thereof when such maintenance is necessary to prevent deterioration and decay of the exterior. Cultural Resources listed on the Register shall be protected against such decay and deterioration and shall remain free from structural defects through prompt corrections of any of the following defects:

1. Deterioration of exterior walls, foundations or other vertical supports that causes leaning, sagging, splitting, listing or buckling;

2. Deterioration of flooring or floor supports or other horizontal members that causes leaning, sagging, splitting, listing or buckling;

3. Deterioration of external chimneys that causes leaning, sagging, splitting, listing or buckling;
4. Deterioration of crumbling exterior plasters or mortars;
5. Ineffective waterproofing of exterior walls, roofs, foundations including broken windows and doors;
6. Defective protection or lack of weather protection for exterior walls and roof coverings, including through the lack of paint or other protective covering;
7. Rotting holes or other forms of decay;
8. Deterioration of exterior stairs, porches, handrails, window and door frames, cornices, entablatures, wall facings, ornament, trim and other architectural details that cause delamination, instability, loss of shape and form and crumbling.

B. Enforcement Procedures.

1. The Director may file a petition listing specific defects with the Neighborhood Improvement Services Manager requesting the correction of defects and/or repairs to designated properties.

2. Whenever such a petition is filed, the Neighborhood Improvement Services Manager shall attempt to make direct personal contact with the owner or other such person having legal possession or custody and/or representative. If personal contact is not possible, then written notification of the specific defects and a right to inspect the property will be mailed to the owner or such person having legal possession, custody and/or control and posted at a conspicuous location appropriate to the identified defects. In the written notification, the Neighborhood Improvement Services Manager shall document the nature of the specific defects and corrective action ordered.

3. After receiving agreement from the owner, representative or other such persons having legal possession, custody and control of the property for an inspection, the Neighborhood Improvement Services Manager and the Director or her/his designee shall conduct an investigation and prepare a written report on whether the property requires work to meet the requirements of Section 153.613(A) set forth above.

4. If the property is found to require work to meet the requirements of Section 153.613(A), the owner, representative or such persons having legal possession, custody and control of the property will be served within fifteen (15) days with a complaint identifying the deficiencies and providing notice that a hearing will be held before the Commission at their next available agenda. The purpose of the hearing shall be to:

- a. Receive evidence about the deteriorated conditions;
- b. Develop a plan and schedule for undertaking the needed repairs to stabilize the building or structure and arrest further deterioration.

5. Following such notice and hearing a written determination as to the conditions in need of correction/repair will be prepared, and the owner or other interested parties will be served with an order to repair those defective elements within a reasonable specified time frame.

6. If the owner fails to make the necessary repairs within the identified time frame, the City may utilize any available remedy at law to correct the deficiencies that create any hazardous and/or unsafe conditions to life, health, or property. The expense of this work can be recorded as a lien on the property.

153.614 Initial Review – Requirement.

A. Purpose. No person shall carry out or cause to be carried out any alteration or relocation of a property listed on the Register unless the City has first completed an Initial Review for historic appropriateness of the proposed work in accordance with the requirements of this Chapter. The approval or denial of the proposed work shall be deemed a discretionary action under CEQA (California Code of Regulations, Title 14, Section 15002(i)).

B. Intent. It is the intent of the City of San Gabriel that Cultural Resources listed on the Register will not be inappropriately altered or relocated unless extraordinary circumstances exist. Initial Reviews for appropriateness shall comply with applicable state and federal laws and regulations, including without limitation, CEQA, the National Historic Preservation Act and the National Environmental Policy Act.

C. Actions Requiring an Initial Review by Commission. The following actions shall require a Certificate of Appropriateness from the Commission. Performance of any work that falls within the provisions of this article without an Initial Review is prohibited.

1. Major Alterations or Relocation of a Cultural Resource listed on the Register;
2. New construction within a Historic District listed on the Register;
3. Any other project referred to the Commission by the City Council, Planning Commission, Design Review Commission, or City staff.

D. Exceptions to Requirement for Initial Review, Ordinary Maintenance and Repair. An Initial Review shall not be required for Ordinary Maintenance and Repair as defined in this Chapter, or for projects that do not, by law, require issuance of a permit and do not involve a change of design, materials, or exterior appearance. From time to time as circumstances warrant, the Commission may, by resolution, modify the list of actions deemed to qualify for an exemption from the Initial Review requirement. The following work or construction involving a Cultural Resource shall not require an Initial Review:

1. Exterior or interior paint color;
2. Ordinary Maintenance and Repair that does not require a building permit, as defined in Section 153.603 of this article;

3. Landscaping, including sprinkler system work, that does not affect a Character-Defining Feature;
4. Paving work that does not affect a Character-Defining Feature;
5. All work that is entirely interior and does not affect the exterior of a Cultural Resource, except for interior features that are specifically mentioned as character-defining features in a landmark designation adopted by the City or character-defining interior features that were originally accessible by the public;
6. Replacement of existing screens and awnings with the same or substantially consistent materials, form, and shape;
7. Other projects as determined by the Director or her/his designee.

153.615 Initial Review by Commission, Major Alterations – Procedures.

A. Application. The owner or authorized representative proposing major alterations to a Cultural Resource listed on the Register shall file an application for an Initial Review. The application must be accompanied by any required fee.

1. The application for an Initial Review shall include the following data:
 - a. A description of the proposed work and an explanation of how it complies with the *Secretary's Standards* and other applicable design guidelines and standards as appropriate.
 - b. Detailed architectural plans, including floor plans, elevations, and drawings, illustrating the scale, massing, character, and detailing of the proposed work, including existing and proposed elevations and plans. Information on the specifications and appearance of existing and proposed replacement materials and features should also be included.
 - c. A site plan showing all existing buildings and structures and the relationship of the proposed work to the surrounding environment.
 - d. Relationship to the existing scale, massing, architectural style, site and streetscape, landscaping and signage, for new construction in historic districts.
 - e. Other information deemed necessary by the Director or her/his designee.

2. Upon deeming the application to be complete, the Community Development Department shall transmit the application to the Commission within ten (10) days of the receipt of a complete application.

3. Early-Stage Conceptual Review. Prior to the hearing for an Initial Review, applicants shall have the opportunity to present for discussion with the Commission and/or City preservation staff early-stage, conceptual plans for alterations to Cultural Resources. The purpose of conceptual review shall be to obtain preliminary comments and direction on project design and options prior to the Initial Review hearing. There is no fee for conceptual review. Conceptual review before the Commission shall be a discussion item (no finding or decision will be taken).

4. Commission Review. The Commission shall conduct a public hearing on each Initial Review application, after which it shall adopt a resolution approving, conditionally approving, or denying the application.

5. Issuance of Initial Review Findings. Upon approval, copies of the Initial Review Findings shall be forwarded to the applicant, the Building Official, the Director, and any other department or agency that requests one.

6. Appeal. Decisions of the Commission or City regarding an Initial Review are subject to appeal in accordance with Section 153.626 of this Chapter. No Initial Review shall become effective until the time to appeal its denial or approval has expired.

7. Public Notice Requirements. All projects requiring an Initial Review subject to the Commission's approval shall require public notification. The City shall, no later than ten (10) days prior to the hearing, issue a Public Hearing Notice indicating the place, date, and time of the Commission meeting and 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, to all owners of 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 an Initial Review is requested. As determined by staff, an expanded notification may be required to 500 feet.
- b. Hearing Notice to Owners of Historic District Properties. Public Notification for any project proposed within a locally designated historic district or a district listed on 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 and to all legal occupants of each property located within the historic district.

153.616 Initial Review by Commission, Major Alterations – Findings.

- A. The following considerations shall guide the Initial Review by the Commission.

1. The Commission may approve or approve with conditions an Initial Review for projects involving major alterations to Cultural Resources that:

- a. are compatible with the historic character and scale of the Cultural Resource, including its size, massing, proportions, orientation, architectural details, and the spatial relationships that characterize the property and its site;
- b. do not result in a change of design, material, or appearance of the property's character-defining features (except those changes determined to be in compliance with the Secretary's Standards, per item A.1.c. of this Section);
- c. comply with the Secretary's Standards and any other applicable design guidelines adopted by the City and therefore are either mitigated to a less-than-significant impact on historical resources under CEQA (CEQA Guidelines [California Code of Regulations, Title 14] Section 15064.5(b)(3))_or exempt from CEQA under Class 31, which applies to "projects limited to maintenance, repair, stabilization, rehabilitation, restoration, preservation, conservation or reconstruction of historical 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 Guidelines [California Code of Regulations, Title 14] Section 15331);
- d. will not cause a substantial adverse change in the significance of a Cultural Resource in accordance with CEQA;
- e. are consistent with the goals and policies of the General Plan; and
- f. are consistent with the provisions of this Chapter.

2. No changes shall be made to approved plans for which an Initial Review was completed without resubmitting the revised plans for Commission review.

3. All Initial Reviews completed in accordance with this section shall expire one year from the date of effectiveness unless work is started within that time.

153.617 Initial Review, Administrative Clearance for, Minor Alterations – Procedures.

A. Purpose. An Initial Review Administrative Clearance may be completed by the Director or her/his designee for Minor Alterations to designated Cultural Resources that require issuance of a permit but do not involve a change of design, material, or appearance of character-

defining features or the removal or obstruction of character-defining features. The Initial Review Administrative Clearance shall apply to properties listed on the Register.

B. Eligibility. From time to time as circumstances warrant, the Commission may, by resolution, modify the list of actions deemed to qualify for an Initial Review Administrative Clearance. Minor Alterations that may be eligible for an Initial Review Administrative Clearance include the following projects:

1. Demolition or Relocation of non-character-defining features, including, without limitation, non-contributing additions, garages, accessory structures or incompatible, previously replaced windows, doors, or siding material;
2. Re-roofing, if the proposed roofing material is comparable in appearance, color, and profile to the existing or original roofing material, as shown through documentary evidence;
3. Replacement of windows and doors if the proposed replacements are the same materials, form, and color as the existing or original windows and doors, as shown through documentary evidence;
4. Foundation work;
5. Landscape alterations, or removal or installation of tree and plant material not specifically designated or listed as character-defining features in the landmark nomination application;
6. New paving for driveways, walkways, and/or patios not specifically designated or listed as character-defining features in the landmark nomination application;
7. Repainting of exterior surfaces and materials that were painted during the period of significance and specified as character-defining features on landmark application materials. The painting of character-defining exterior surfaces and materials that were originally unpainted are specifically excluded from this provision;
8. Installation of exterior lighting;
9. Electrical, plumbing, utility work, and other permits for mechanical and other building systems, including rooftop appurtenances not visible from the public right-of-way or any property at street level;
10. Repair or replacement of deteriorated materials with replacements/components made of the same materials, with the same appearance and function as the original character-defining features;
11. Addition or removal of canopies whose removal does not result in damage or destruction of character-defining features;

12. An addition of fewer than 150 square feet located on rear elevations that are not visible from the public right-of-way and that do not change, remove, or obscure character-defining features;

13. Other minor rehabilitation work as determined by the Director or her/his designee;

14. Minor changes to a previously approved Administrative Certificate of Appropriateness as determined by the Director or her/his designee;

153.618 Initial Review, Administrative Clearance for Minor Alterations – Findings.

A. The following considerations shall guide the Initial Review Administrative Clearance for historic appropriateness.

1. The Director or her/his designee may approve or approve with conditions an Initial Review Administrative Clearance for historic appropriateness for minor alterations to Cultural Resources listed on the Register that:

- a. are compatible with the historic character and scale of the Cultural Resource, including its size, massing, proportions, orientation, architectural details, and the spatial relationships that characterize the property and its site;
- b. do not result in a change of design, material, or appearance of the property's character-defining features (except those changes determined to be in compliance with the Secretary's Standards, per item A.1.c. of this Section);
- c. comply with the *Secretary's Standards* and any other applicable design guidelines adopted by the City;
- d. will not cause a substantial adverse change in the significance of a Cultural Resource in accordance with CEQA;
- e. are consistent with the goals and policies of the General Plan; and
- f. are consistent with the provisions of this Chapter.

2. In accordance with CEQA, a project that has been determined to conform with the *Secretary's Standards* is generally considered to be a project that will not cause a significant adverse impact to a historical resource, pursuant to California Code of Regulations, Title 14, Section 15126.4(b)(1). Projects that comply with the *Secretary's Standards* may be exempt from further review under CEQA, pursuant to California Code of Regulations, Title 14, Section 15331.

3. No changes shall be made to approved plans for which an Initial Review Administrative Clearance for historic appropriateness has been completed without resubmitting the revised plans to the Director or her/his designee for review and approval.

4. All Initial Reviews completed in accordance with this section shall expire one year from the date of effectiveness unless work is started within that time.

5. If the Director or her/his designee determines that proposed work involving a Cultural Resource could result in a change of design, material, or appearance of character-defining features or could have the potential to conflict with the *Secretary's Standards*, the Director or her/his designee may refer the project and the Initial Review to the Commission.

153.619 San Gabriel Inventory and the Initial Review – Requirement.

A. No person shall carry out or cause to be carried out any major alteration or relocation of a potential Cultural Resource listed on the Inventory unless the City has first completed an Initial Review in accordance with the requirements of this Chapter. The approval or denial of the proposed work involving Inventory-listed Cultural Resources shall be deemed a discretionary action under CEQA (California Code of Regulations, Title 14, Section 15002(i)).

B. Actions Requiring an Initial Review. The following actions shall require an Initial Review from the City or Commission. Performance of any work that falls within the provisions of this article without an Initial Review is prohibited.

1. Major Alterations or Relocation of a Cultural Resource listed on the Inventory;

2. New construction within a Historic District listed on the Inventory;

C. The Director shall develop procedures and findings associated with the completion of an Initial Review for Inventory properties.

153.620 Relocation of Designated Cultural Resources.

A. Purpose. Relocation has the potential to adversely affect the significance of Cultural Resources and is discouraged. Should relocation of a Register-listed Cultural Resource be necessary, this section outlines the process and criteria for issuance of a Certificate of Appropriateness for relocation.

B. Procedure. The Director or her/his designee shall review applications for relocating Register-listed Cultural Resources. At the discretion of the Director, relocation applications can be submitted to the Commission for review.

C. Criteria for Relocation. Relocation shall be permitted only when relocation is consistent with the goals and policies of the General Plan, this Chapter, and applicable area or specific plans, and only when all of the following findings can be made by the Director or Commission:

1. Relocation will not significantly change, destroy, or adversely affect the historic integrity of the Cultural Resource;

2. Relocation will not have a significant adverse effect on the character of the historic district or neighborhood, or surrounding properties where the Cultural Resource is located or at the location of its receiver site;

3. The original site and the proposed receiver site are controlled through ownership, long-term lease, or similar assurance by the person(s) proposing relocation, to the Commission's approval; and

4. The relocation is necessary to correct an unsafe or dangerous condition on the site and no other measures for correcting the condition have been determined feasible, or the relocation is necessary to preserve the Cultural Resource and all other feasible options for preservation on the original site have failed, as determined by the Director or Commission.

D. Relocation Timing. The Cultural Resource shall not be relocated until all appropriate entitlements have been obtained.

E. Relocation Plan. Relocations shall follow a plan approved by the Commission or Director and include the following:

1. Application for relocation shall be made on a form provided by the Director.

2. The Commission shall hold a noticed public hearing and make a determination to approve or deny the permit.

3. The Commission shall not grant an approval for the relocation of a listed historic resource unless the criteria for relocation have been met.

153.621 Certificate of Demolition.

A. Purpose. This section describes the process for obtaining a Certificate of Demolition for any property listed on the Register or Inventory. No permit shall be issued by the City or staff designee to demolish a property included on the Register or Inventory without first obtaining a Certificate of Demolition. The approval or denial of the Certificate of Demolition shall be deemed a discretionary action under CEQA (California Code of Regulations, Title 14, Section 15002(i)). Penalties for noncompliance with the provisions of this Chapter are described in Section 153.629 (Enforcement and Penalties).

B. Intent. It is the intent of the City that Cultural Resources will not be demolished unless extraordinary circumstances exist. In keeping with the purpose of the General Plan and this Chapter, Cultural Resources merit protection in order to encourage their retention for the benefit

and enjoyment of current and future generations. The following provisions are intended to establish reasonable measures to ensure that Cultural Resources are not inadvertently or unnecessarily destroyed and that all feasible alternatives to their demolition are explored.

C. Compliance with Federal and State Laws. Review of all applications for a Certificate of Demolition shall comply with applicable state and federal laws and regulations, including without limitation, CEQA, the National Historic Preservation Act and the National Environmental Policy Act.

D. Application Materials. All applications for a Certificate of Demolition will include:

1. The demolition permit application, on a form prescribed by the Director;
2. If the Cultural Resource has been determined an imminent hazard, documentation from the Director, including documentation from a qualified Structural Engineer, as defined in Section 153.603 (Definitions), describing the basis for this determination;
3. If the Cultural Resource has been determined to no longer meet the criteria for eligibility, documentation from a qualified Architectural Historian or Historian as defined in Section 153.603 (Definitions), describing the basis for this determination;
4. Other materials as requested by the Director.

E. 180-Day Waiting Period. For any Cultural Resource not deemed an imminent hazard, the Director and/or Commission may delay demolition for a period of up to but not exceeding 180 days. During this period, the Commission and Director shall work with the property owner to explore alternatives to demolition, including adaptive re-use and/or rehabilitation in accordance with the *Secretary's Standards*, application of the State Historic Building Code to allow for flexibility in code requirements in cases of adaptive reuse or rehabilitation, use of financial incentives such as the Mills Act Historic Property Contract program, relocation, resale, or other provisions as appropriate.

F. Procedure.

1. Upon receipt of an application for demolition, a notice of intent to demolish, on a form approved by the Director, shall be prominently posted on the property.
2. The Director or her/his designee shall review the application for demolition and confirm that all requested materials have been provided. Once deemed complete, the application will be scheduled for the next available Commission meeting.
3. If the Cultural Resource proposed for demolition has been determined to be an imminent threat to public health, safety, and welfare by the City Building Official, the Director or her/his designee may approve or deny the request.
4. All projects requiring a Certificate of Demolition shall require public notification. The City shall, no later than ten (10) days prior to the hearing, issue a public hearing

notice indicating the place, date, and time of the Commission meeting and 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, to all owners of 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 a Certificate is requested.
- b. Hearing Notice to Owners of Historic District Properties. Public Notification for any project proposed within a locally designated historic district or a district listed on 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 and to all legal occupants of each property located within the historic district.

5. The Commission shall review the application, staff report, and hear evidence presented by property owners and members of the public to determine if the criteria for demolition approval have been met. The Commission shall approve, deny, delay the demolition for a specified period, approve with conditions, or continue the application to obtain additional information necessary to consider the demolition request.

6. If substantial financial, development, or technical assistance has been offered by the City to the property owner, or if an offer for purchase at fair market value of the property is refused by the property owner, the application for demolition may be denied;

7. If the demolition request is denied because it does not meet the aforementioned criteria, the applicant may request demolition approval based on a finding of Economic Hardship in accordance with Section 153.623 of this Chapter;

8. If the demolition request is denied, the owner or applicant may appeal the Commission's decision in writing to the City Council within ten (10) days of the Commission's decision in accordance with Section 153.626 of this Chapter.

9. If a Certificate of Demolition approval is granted on any basis other than that of imminent hazard to public safety or economic hardship, the City will not issue a Certificate of Demolition approval until (1) Historic American Buildings Survey (HABS) or Historic American Engineering Report (HAER) documentation of the resource slated for demolition and its setting have been completed by a qualified Architectural Historian, Historian, or Historic Architect as defined in this Chapter and approved by the Commission and (2) plans for the replacement structure have been approved by the Commission. The replacement plan must be in compliance with existing zoning, the City's General Plan, any adopted neighborhood or specific plan for the area and applicable design guidelines. Vacant land or non-use will not constitute a valid replacement plan.

10. The Director or her/his designee will analyze the replacement plan for its conformance with the *Secretary's Standards* and other City-level design guidelines as applicable and will prepare a report with recommendations.

a. The Commission will review the replacement plan and make a decision to approve, deny, approve with conditions or continue the matter with specific instructions as to what information is needed to make a decision on the request.

b. If the replacement plan is denied, the owner or applicant may appeal the decision of the Commission in writing to the City Council within ten (10) days of the decision. The City Council will hear the appeal according to Section 153.626 of this Chapter.

G. Mandatory Findings. The City shall not issue a Certificate of Demolition for a Cultural Resource listed on the Register or Inventory unless the applicant has met all of the following conditions:

1. The 180-day waiting period or other period of up to 180 days as required by the Commission has expired and all steps to explore alternatives to demolition, as described in Section 153.621(E) have been explored to the Commission's satisfaction;

2. Any deterioration of the Cultural Resource is not the result of the failure of the owner to maintain the property in accordance with Section 153.613 of this Chapter;

3. As a condition of approval, all permits have been granted for the replacement structure;

4. 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 to the Cultural Resource.

H. Proposed Demolition of Properties Forty-Five Years Old or Older.

1. Purpose. The Cultural Resources Chapter of the General Plan includes goals and targets intended to diminish "imminent threats to San Gabriel's heritage" (Goal 11.4). Specifically, Target 11.4.1 specifies the creation of an ordinance that "provides protection against demolition." This provision forwards this General Plan goal.

2. Intent. This section shall diminish imminent threats to properties that qualify as Cultural Resources but have not been subject to evaluation. The section describes the circumstances in which the Director or her/his designee shall prepare, or cause to be prepared, a historic resources assessment of any property proposed for demolition that is 45 years of age or older but not included on the Register or Inventory.

3. Applicability. If a permit is sought to demolish a property that was constructed at least 45 years prior to the date of application for demolition, the application shall be referred to the Director to make a preliminary determination as to whether the property meets national, state, or local criteria for designation, if the property:

- a. is not already listed on the Register or Inventory;
- b. is not the subject of a pending landmark nomination for the Register, either individually or as a contributor to a historic district.

4. Exception, Properties within Recently Surveyed Areas. If the property proposed for demolition falls within an area of the City that was subject to a historic resource survey approved and adopted by the City Council within the last five (5) years, and the property was not identified as a potential Cultural Resource, a historic resources assessment will not be required.

5. Preliminary Determination by Director.

a. Time Limit and Criteria. Within 30 days of receipt of an application to demolish a property under subsection F of this section, the Director or her/his designee, with a professional opinion obtained from a qualified Architectural Historian or Historian as defined in Section 153.603 (Definitions) of this Chapter, shall make a preliminary determination as to whether the property is potentially eligible for federal, state, or local listing.

b. Notice. The Director shall notify the property owner of the preliminary determination in writing. Failure of the Director to act within the 30-day period shall be considered a determination that the property is not eligible for listing at the federal, state, or local level.

c. Determination and Effect.

- (1) If the Director determines that the property is not eligible at the federal, state, or local level, the permit to demolish the property shall be issued without further restrictions under this Chapter.
- (2) If the Director determines that the property is potentially eligible at the federal, state, or local level, she/he shall prepare, or cause to be prepared, with assistance from a qualified Architectural Historian or Historian as defined in Section 153.603 (Definitions) of this Chapter, an intensive-level Historic Resources Evaluation (HRE) following practices promulgated by the State Office of Historic Preservation. Following review of the HRE and concurrence by the Commission, the property shall be added to the Inventory and the provisions of Section 153.621 shall apply to the proposed demolition.

153.622 Work Hold Pending Designation.

A. Work Hold – Pending Historic Landmark Designation. Except as necessary to correct an unsafe or dangerous condition pursuant to Section 153.624, it shall be unlawful for any person to carry out or cause to be carried out any activity requiring an Initial Review on a proposed Cultural Resource for which an application has been filed, until final approval of the designation. An exception to the work hold shall apply for alterations shown to comply with the Secretary of the Interior’s *Standards for the Treatment of Historic Properties*, as found through the project review process and criteria established in this Chapter.

B. Work Hold – Pending Historic District Designation. Except as necessary to correct an unsafe or dangerous condition pursuant to Section 153.624, it shall be unlawful for any person to carry out or cause to be carried out any activity requiring an Initial Review for any property within the boundaries of a proposed historic district while an application for designation is pending. An exception to the temporary moratorium shall apply for alterations shown to comply with the Secretary of the Interior’s *Standards for the Treatment of Historic Properties*, as found through the project review process and criteria established in this Chapter.

153.623 Certificate of Economic Hardship.

A. Purpose. The City recognizes that there may be circumstances in which the provisions of this Chapter could create an undue economic hardship. This section describes the criteria and process for property owners to demonstrate that such a hardship exists. The Commission may issue a Certificate of Economic Hardship to allow alteration or demolition of a Cultural Resource listed on the Register or Inventory where denial of the same would create an undue economic hardship upon the owner.

B. Threshold. For income-producing properties, the threshold for establishing economic hardship shall be that a reasonable rate of return cannot be obtained from the property in its present condition or if rehabilitated. For non-income-producing properties, the threshold for establishing economic hardship shall be that, without approval of the proposed demolition or remodel, the property owner would be deprived of all reasonable use of or return from the property. For proposed demolition, the commission must make the finding that the Cultural Resource cannot be remodeled or rehabilitated in a manner that would allow for a reasonable use of or return from the property.

C. Applications. An application for a Certificate of Economic Hardship shall be subject to a pro forma evaluation completed for the City by a qualified economic professional. The application shall be made on the prescribed form and be accompanied by the following information, unless any such information is determined by the Director not to be applicable:

1. The estimated market value of the property in its current condition with supporting documentation.
2. The estimated market value of the property after completion of the proposed alteration or demolition with supporting documentation.

3. Estimates of the costs of proposed alteration or demolition with supporting documentation.

4. In the case of demolition, the estimated market value of the property after renovation of the existing property for continued use and an estimate from a qualified Historic Architect as defined in Section 153.603 (Definitions) as to the economic feasibility of rehabilitation or reuse of the existing structure on the property.

5. A rehabilitation report from a qualified Structural Engineer or Historic Architect as defined in Section 153.603 (Definitions) of this Chapter as to the structural condition of the property and feasibility of stabilization and rehabilitation.

6. For income-producing properties, information on annual gross income, operating and maintenance expenses, tax deductions for depreciation, and annual cash flow after debt service, current property value appraisals, assessed property valuations, and real estate taxes.

7. Remaining balance on any mortgage or other financing secured by the property and annual debt service, if any, for the previous two years.

8. All appraisals obtained within the previous two years by the owner or applicant in connection with the purchase, financing, or ownership of the property.

9. The amount paid for the property if purchased within the previous 36 months, the date of purchase, and the party from whom purchased, including a description of the relationship, if any, between the owner of record or applicant and the person from whom the property was purchased, and any terms of financing between the seller and buyer.

10. Any listing of the property for sale, rent, prices asked, and offers received, if any within the previous two years.

11. Any other information the Director may reasonably require in order to determine whether or not the property may yield a reasonable return to the owners.

D. Hearing Required. The Commission shall hold a public hearing on all applications for a Certificate of Economic Hardship; after which it may approve, conditionally approve, or deny the application. Such hearing may be held concurrently with any related application for an Initial Review or Certificate of Demolition.

E. Findings. The Commission shall approve a Certificate of Economic Hardship if it makes all of the following findings:

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. Sale or rental of the property is not financially feasible, when looking at the cost of holding such property for uses permitted in the applicable zone.

3. Adaptive reuse of the property for lawful purposes is prohibited or impractical.

4. Denial of the application would damage the owner of the property unreasonably in comparison to the benefit conferred on the community.

F. Approval.

1. Upon approval, copies of the Certificate of Economic Hardship shall be forwarded to the applicant, the Building Official, the Director, and any other department or agency that requests one.

2. No Certificate of Economic Hardship shall become effective until the time to appeal its approval has expired.

153.624 Unsafe or Dangerous Conditions.

A. None of the provisions of this Chapter shall be construed to prevent any construction, alteration, removal, demolition or relocation of a historic landmark or contributing resource necessary to correct the unsafe or dangerous conditions of any structure, or feature, or part thereof, where the Building Official, with a report from a Qualified Structural Engineer or other qualified professional, has declared such condition unsafe or dangerous and the proposed construction, alteration, removal, demolition or relocation necessary to correct the condition. Only such work as is necessary to correct the unsafe or dangerous condition may be performed pursuant to this Section. All assessments shall utilize the California Historic Building Code and the Uniform Code for Building Conservation.

B. The Building Official shall inform the Commission and Director prior to authorizing any work pursuant to this Chapter unless she/he determines that such work is immediately necessary to correct the unsafe or dangerous condition; in which case, the Building Official shall report his or her actions to the Director within 48 hours and to the Commission at its next regular meeting.

C. If work authorized by the Building Official pursuant to this Chapter is not immediately necessary to correct the unsafe or dangerous condition, the Commission may advise the Building Official of the historic significance of the building and recommend a reasonable period of postponement for the purpose of arranging for rehabilitation, relocation, documentation, and/or salvage of the cultural resource or contributing resource. Notwithstanding the foregoing, if no arrangements have been made for rehabilitation, relocation, or salvage within 60 days of an order to abate a nuisance, or an earlier time if determined to be necessary by the Building Official, the Building Official may proceed with the abatement action.

153.625 Environmental Review.

If any action required or taken pursuant to this Chapter is subject to the provisions of CEQA, the time in which such action must be taken shall be extended to the extent necessary to allow time to comply with the Act.

153.626 Appeals.

A. The owner of a property subject to review, or the applicant, if different than the owner, may appeal any decision by the Director or Commission under this Chapter pursuant to the limitations and procedures in Title XV, Section 153.004 of this Code. All appeals brought under this Section shall be accompanied by a filing fee established by the City Council.

B. Any decision regarding a Cultural Resource by the Director shall become final ten (10) business days following the date of the decision unless an appeal to the Commission is filed.

C. Any decision of the Commission regarding a Cultural Resource shall become final ten (10) business days following the date of the decision unless an appeal to the City Council is filed.

153.627 Preservation Incentives.

A. Purpose. The City Council may by resolution or ordinance adopt preservation incentives to encourage the designation, preservation, maintenance, and appropriate rehabilitation of the City's Cultural Resources. Preservation incentives, in the form of financial and regulatory incentives, shall be made available to owners of properties that are designated Cultural Resources, either individually or as contributors to historic districts, and listed in the San Gabriel Register of Cultural Resources.

B. Financial Preservation Incentives. The following financial incentives shall be made available to owners of designated Cultural Resources, in a process to be determined by the Director:

1. Waiver of Initial Review for Historic Appropriateness/Administrative Approval Fees. All fees associated with the completion of an Initial Review for historic appropriateness shall be waived for designated Cultural Resources.

2. Mills Act Historic Property Contracts. Through the Mills Act Historic Property Contract program, the City allows owners of designated Cultural Resources to receive a reduction in property taxes in exchange for a commitment to complete specific repair, restoration, and/or rehabilitation project and on-going maintenance in accordance with the *Secretary's Standards* and other applicable design guidelines and criteria. The City Council, on the advice of the Director and Commission, shall periodically review and update the application process, criteria, and procedures for Mills Act contracts, by resolution or ordinance. The Mills Act was adopted by the City by resolution on 21 August 2001 (Resolution No. 01-31). The state-level enabling legislation for the Mills Act program is contained in California Government Code Sections 50280 – 50290.

3. Preservation Easements. Preservation easements may be acquired by the City through donation or purchase. The preservation easement would be accepted and administered by a state or local 501(c)(3) organization dedicated to historic preservation. The easement would specify the conditions and restrictions running with the land designed to preserve and maintain the Cultural Resource.

C. Regulatory Preservation Incentives. Designated Cultural Resources are eligible for the following regulatory preservation incentives, which are intended to encourage the preservation and ongoing use of the City's Cultural Resources. The following incentives shall be made available to owners of designated Cultural Resources, in a process to be determined by the Director:

1. California Historic Building Code. The California Historic Building Code (Title 24, Part 8, California Administrative Code) shall guide upgrades and alterations to designated Cultural Resources.

2. Transfer of Development Rights. Through the Transfer of Development Rights (TDR) program, the City Council may by resolution approve the sale of unused development rights from designated Cultural Resources (sender sites) to development sites (receiver sites). Before any transferable development rights are offered for sale, the City shall establish by resolution the criteria, procedures, and public process, through the City's formal bidding procedures, to sell unused floor area development rights from sender sites to receiver sites. TDR policies and procedures will be periodically reviewed and updated as needed by the City.

3. Exemption from Design Review. Design Review shall be carried out concurrently by the Cultural Heritage Commission for the following projects:

(a) All major alterations to designated Cultural Resources, including individually listed properties and contributors to historic districts;

(b) New construction and in-fill within the boundaries of designated historic districts;

(c) All new construction, additions to, and alterations of a parcel including a designated Cultural Resource, whether individually listed or a contributor to a historic district.

4. Exemption for Nonconforming Uses. On a case by case basis, a preexisting nonconforming use or site condition may be changed to a permitted use or site condition at the discretion of the Director, if the exemption encourages the retention and ongoing viable use of a designated Cultural Resource.

5. Reduction of Commercial Parking Requirements. At the discretion of the Director, commercial properties included on the Register may be granted a reduction in parking requirements, to a maximum of 50 percent, based on the degree to which the historic character of the Cultural Resource would be preserved, enhanced, or made more viable through the reduction in parking requirements.

6. Residential Waiver for Garage Space Requirement. Residential properties included on the Register may be granted a waiver of the requirement for an additional covered parking space for additions of more than 25% of the existing gross floor area (Section 153.049, Zoning Code, Garage Space Required). Waiving the requirement for additional covered parking

spaces encourages the retention and protection of historic garages and carports, which contribute to the historic character and integrity of historic districts and Conservation Overlay Zones.

This section allows the Director to waive the requirement for an additional covered parking space where the Commission first determines through the Certificate of Appropriateness approval process that:

- a. The property has an existing historic garage or carport that is a contributing element of the Cultural Resource;
- b. The existing historic garage or carport can accommodate at least one vehicle;
- c. The existing historic garage or carport is structurally sound or, if deteriorated, the Commission approves a rehabilitation plan for the historic garage or carport as part of the Certificate of Appropriateness approval process;
- d. The second required parking space can be accommodated outside of the existing covered parking space within an existing legal driveway or tandem space;
- e. The cumulative addition to the historic property is less than 50 percent of the existing floor area;
- f. The additional living space does not include a new dwelling unit on the property.

153.628 Application Filing Fees.

A. The City Council shall by resolution adopt a schedule of fees to be charged for any application for designation, termination of a designation, for demolition permits, and for appeals pursuant to this Chapter.

153.629 Enforcement and Penalties.

A. Any person who violates a requirement of this Chapter or fails to obey an order issued by the City Council, Commission and/or Director, or fails to comply with a condition of approval of any certificate or permit issued under this Chapter, shall be subject to enforcement actions as set forth in Chapter 153.005 (Violations) of this Code.

B. In addition to all other remedies available to the City, any alteration or demolition of a cultural resource in violation of this Chapter is expressly declared to be a nuisance and may be abated as deemed appropriate by the City.

C. In addition to all other remedies, the City shall have the authority to impose a temporary moratorium on the development of a property for a period not to exceed 60 months from the date the City becomes aware of any alteration or demolition in violation of this Chapter, unless the owner obtains permits to restore or reconstruct the property to its original condition prior to the violation and the work is consistent with the *Secretary's Standards*. The purpose of

the moratorium is to provide the City with an opportunity to study and determine appropriate mitigation measures for the alteration and/or removal of the Cultural Resource, and to ensure measures are incorporated into any future development plans and approvals for the subject property. Mitigation measures, as determined by the Commission and/or Director, shall be imposed as a condition of any subsequent permit for development of the subject property.

D. The City Attorney may maintain an action for injunctive relief to restrain a violation or cause, where possible, the complete or partial restoration, reconstruction, or replacement of any Cultural Resource demolished, partially demolished, altered, or partially altered in violation of this Chapter.

E. Any person who constructs, alters, removes, or demolishes a Cultural Resource without the approval and issuance of a certificate or permit issued pursuant to this Chapter may be required to restore the property to its appearance prior to the violation to the extent such restoration is physically possible, under the guidance of the Director. This civil remedy shall be in addition to, and not in lieu of, any criminal penalties available.

F. 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 remedies or penalties, whether civil or criminal. The remedies provided herein are cumulative and not exclusive. In any such action, the City may seek as appropriate, one or both 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.

153.630 Identification, Documentation, and Management of Archaeological, Native American, and Paleontological Resources.

A. Purpose. In keeping with the goals and policies of General Plan Chapter 11 (Cultural Resources), this section outlines the procedures and criteria for the identification, documentation, and management of archaeological, Native American, and paleontological Cultural Resources.

B. Scope and Applicability. Potential project impacts to those Cultural Resources that are significant archaeological, Native American, and paleontological resources shall be addressed during project review as described in this Section. This shall be accomplished through the identification of potential significant Cultural Resources (Phase I), the evaluation of those resources' significance (Phase II), and, where necessary and appropriate, the mitigation of substantial adverse impacts through data recovery/salvage (Phase III) by qualified professionals as defined in Section 153.603 of this Chapter.

The provisions of this policy shall apply to all activities including but not limited to proposed structures, expansions, additions, alterations, grading, excavation, trenching, and/or

demolition on properties containing archaeological, Native American, or paleontological resources classified as follows:

1. Listed on the Register or Inventory;
2. Listed on the California Register of Historical Resources or on the National Register of Historic Places;
3. Determined by the Director or the State Historic Preservation Officer to be eligible for listing on the California Register of Historical Resources, the National Register of Historic Places, or the Register;
4. Or are located in areas with a high or medium potential for the presence of Cultural Resources; in order to make this determination, the City may prepare or cause to be prepared a confidential Cultural Resource Sensitivity Map.

C. Report Preparation.

1. All development applications satisfying the above criteria shall be required to submit a Phase I Cultural Resources inventory report and/or a paleontological resources inventory report to the City as a part of their application. Applications for properties that contain potential Cultural Resources that have not been evaluated for significance shall be required to submit a Phase II Cultural Resources evaluation report to the City as part of their application. A development application shall not be considered complete until said report(s) as required by this Chapter is submitted to the City.

2. If the Director determines that the proposed project could potentially affect a known or suspected cultural resource adjacent to the project site, then the applicant will be required to submit a Phase I Cultural Resources inventory report in order to determine whether the project has the potential to impact the cultural resource.

3. Cultural resources reports and paleontological resources reports shall be the responsibility of the applicant. The reports shall be prepared by qualified archaeologists or paleontologists as defined in Section 153.603 of this Chapter.

4. Cultural resources reports shall be prepared in a standard format: the California Office of Historic Preservation *Archaeological Resource Management Reports (ARMR): Recommended Contents and Format*. All Cultural Resources reports and appended resource records shall be filed with the local California Historical Resources Information System (CHRIS) Information Center.

5. Paleontological resources reports shall be prepared in a standard format and shall include a clear description and map of the project location, as well as descriptions of the author's qualifications; the criteria used to evaluate the property; the study's methods, limitations, and dates of investigation; background materials consulted; the study's results, including a map and quantified list of identified paleontological resources identified on the property; and the name of the facility where any recovered paleontological resources will be curated.

6. The report shall include a description and map indicating location of specific sites, features, isolates, and fossils analyzed within the report. The mapped location of archaeological sites, Native American resources, and fossil localities is confidential information, not to be released for public view. It is to be provided to the City as an appendix to the main report.

7. The City may prepare or commission the preparation of Cultural Resource Management Guidelines, in conjunction with a qualified archaeologist, in order to establish the specific requirements for identifying, recording, evaluating, and mitigating impacts to archaeological, Native American, and paleontological resources, and for the preparation of Phase I, Phase II, and Phase III reports and associated documentation.

D. Exemptions. The following applications shall be exempt from the requirements for submitting reports:

1. Applications for a property for which a Phase I Cultural Resources inventory report and/or paleontological resources report has been accepted by the City within the last five years, provided that there were no significant errors in methodology or content as determined by the Director and that the application complies with any applicable mitigation requirements.

2. Projects that require a permit application and that will not excavate deeper than 12 inches or more than 50 cubic yards of earth, or for which the Director has determined that the sediments to be disturbed do not have the potential to yield subsurface artifacts, archaeological features, or fossils.

3. Projects that are limited to repair and maintenance of existing facilities and/or utilities without ground disturbing activities that extend beyond the footprint of those facilities or utilities.

E. Review Process.

1. All development applications subject to the provisions of this Section shall be reviewed in the following manner in order to effectively identify and evaluate any Cultural Resources that exist on the project site and to mitigate substantial adverse changes to their significance:

2. The applicable preliminary report shall be submitted to the Director. The Director may take the following actions:

a. If the report finds and the Director concurs that no significant Cultural Resources are present, the Director shall require that the project comply with On-site Monitoring and Mitigation (see section below).

b. If the report identifies the presence of archaeological, Native American, or paleontological resources, the Director shall refer the report for consideration to the Commission.

3. The Commission, in reviewing the development proposal, shall evaluate the report and incorporate mitigation conditions for the project in order to preserve any known or identified significant archaeological, Native American, or paleontological resources.

4. Any conditions or mitigation measures required by the Director or Commission shall be forwarded to the Building and Safety Division and enforced in accordance with Section 21081.6 of the California Public Resource Code.

5. All decisions of the Director may be appealed to the Commission, and all decisions of the Commission may be appealed to the City Council in accordance with Section 153.626 of this Chapter.

F. On-Site Monitoring and Mitigation (Archaeological/Native American Resources).

1. The Building and Safety Division shall be provided with an executed consultant services contact with the individual responsible for supervising onsite archaeological monitoring (a qualified archaeologist selected from approved list of qualified archaeologists supplied by the City).

2. In instances, due to known or expected existence of subsurface Native American resources or as an outcome of Native American consultation, the consulting archaeologist or the Director may request that a Native American Monitor be present on-site during grading operations. If so requested, a qualified Native American Monitor shall be retained by the project applicant.

3. If unanticipated subsurface Cultural Resources are discovered at the site, the archaeologist shall take immediate steps to stop all construction activity within 25 feet of the cultural material. The Director shall be immediately informed of the situation. If it is determined that the find is an isolated occurrence or that the remaining construction activity will not significantly impact the Cultural Resource, work shall be permitted to continue on the site. A report by the qualified archaeologist shall be submitted prior to the final inspection of the site, detailing the contents of the unearthed Cultural Resource.

4. In the event of an unanticipated discovery of Cultural Resources when neither an archaeologist nor Native American monitor is on site, the information is to be communicated to the Director at once. In the event that the discovery includes potential human remains, Section 7050.5 of the California Health and Safety Code and Section 5097.98 of the Public Resources Code shall be followed.

5. Should unanticipated Cultural Resources be encountered, work shall be halted or diverted from the vicinity of the discovery until the significance of the Cultural Resource can be determined by the Director. A recommendation will be prepared by the qualified archaeologist indicating whether the find is potentially significant and the recommended course of action for its protection or further evaluation. The Director shall determine if the City should retain the services of a separate consulting archaeologist to provide an independent recommendation of site significance.

6. On the Director's recommendation, reports relating to the discovery of significant archaeological or Native American resources shall be referred to the Commission at their next available meeting. Notice of the hearing by the Commission shall be given not less than 10 days prior to any action taken on the matter to be considered. Such notice shall include the date, time, and place of the hearing and description of the matter under consideration. Notice of the hearing shall also be sent to the property owner(s) of record and to other persons who have requested to be notified of such matters, or whom the Director or her/his designee determines may have an interest in the matter.

7. The Commission, after considering the contents, recommendations, and findings of the report, and after receiving and considering testimony by interested individuals or groups, may take the following actions:

- a. Determine that the find is not significant and allow work to resume.
- b. Determine that additional testing is necessary to evaluate the significance of the find. If additional testing is determined necessary, similar procedures as defined in 153.630(F)(4-5) shall be followed.
- c. Determine that the proposed project will not significantly affect the cultural resource and that it can be documented and left in situ without compromising the integrity of the cultural resource.
- d. Forward a recommendation to the City Council to initiate data recovery procedures or protect the artifacts in situ.

8. If the Commission forwards a recommendation of either data recovery or protection in situ that conflicts with currently approved plans, the item shall be scheduled for consideration at the next meeting of the City Council as an urgency item. The decision of the City Council shall be considered final.

9. If in the event that an unanticipated discovery of cultural material is made, all expenses related to work performed shall be reimbursed by the permit applicant.

10. Whether cultural material is discovered or not, all monitors (archaeologists and Native American) shall submit a written summary of their services and observations.

11. Prior to the issuance of any permit or action to proceed for the demolition of a Cultural Resource, the owner may be required to allow for the removal of significant features. The owner shall make these features available to local historic interest or Native American groups. The expense of the removal and storage of recovered features is to be borne by the historic interest or Native American groups. The owner may also be required, as a mitigation measure for any proposed demolition or alteration of a Cultural Resource, to document the cultural resource through photographs and historic narrative. These records will become the property of the City.

G. On-Site Monitoring and Mitigation Enforcement (Paleontology)

1. The Building and Safety Division shall be provided with an executed consultant services contract with the individual responsible for supervising on-site monitoring (a qualified paleontologist from an approved list of qualified paleontologists to be supplied by the City) to be present on-site during grading operations.

2. If paleontological material is present on the site, the qualified paleontologist shall submit a report describing the fossils that exist on the site. Said report shall include a statement on the significance of the discovery and recommended actions. If the paleontologist finds that the find is not significant, the Director may allow construction to proceed.

3. On the Director's recommendation, reports relating to the discovery of significant paleontological resources shall be referred to the Commission at their next available meeting. Notice of the hearing by the Commission shall be given not less than 10 days prior to any action taken on the matter to be considered. Such notice shall include the date, time, and place of the hearing and description of the matter under consideration. Notice of the hearing shall also be sent to the property owner(s) of record and to other persons who have requested to be notified of such matters, or whom the Director or her/his designee determines may have an interest in the matter.

4. The Commission, after considering the contents of the report, its recommendations, and review of testimony by interested individuals or groups, may take the following actions:

- a. Determine that the find is insignificant and allow work to resume.
- b. Determine that additional study is necessary to evaluate the significance of the fossils. Said study and report to be submitted within 30 days.
- c. Forward a recommendation to the City Council to initiate fossil salvage procedures or protect the fossils in situ.

5. If the Director forwards a recommendation of either fossil salvage or protection in situ, the item shall be scheduled for consideration at the next meeting of the City Council. The decision of the City Council shall be considered final.

6. Whether source material is discovered or not, a written report shall be prepared by all paleontological monitors summarizing their services and observations.

H. Consultation with California Native American Groups

1. California Native American tribes traditionally and culturally affiliated with San Gabriel may have expertise concerning their Native American resources, and consultation with these groups is a required element of compliance with CEQA (Section 21080.3.1 of the Public Resources Code).

153.631 Severability of Provisions.

Should any section or provision of this Chapter be declared by a court of competent jurisdiction to be invalid, such decision shall not affect the validity of this Chapter as a whole or any section thereof other than the section or provision specifically declared to be invalid.