

ORDINANCE NO. 2009-11

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF CLAREMONT, CALIFORNIA, AMENDING TITLE 16 OF THE CLAREMONT MUNICIPAL CODE PERTAINING TO DEVELOPMENT STANDARDS FOR RESIDENTIAL DEVELOPMENT AND ARCHITECTURAL REVIEW REQUIREMENTS

WHEREAS, as set forth in the City's General Plan, community design and historic preservation are important to the residents of Claremont; and

WHEREAS, the City has a long history in being proactive in guiding land use development, creating and protecting the City's district visual character, and maintaining the community's distinct neighborhoods; and

WHEREAS, in 1965, the City Council established an Architectural Commission to guide the design and redesign of physical elements, and ensure the harmonious composition and preservation of visual aspects of the City; and

WHEREAS, the commission, through its review of development projects and recommendations on design issues, protects the City's character, sense of place, and unique physical environment; and

WHEREAS, to protect the design and aesthetic qualities of all neighborhoods and areas of the City, the City in 1994 expanded architectural review requirements to include all new single-family residential construction; and

WHEREAS, there is a growing concern in the community about mansionization, a trend in which existing homes are expanded and new homes are built that result in development that is incompatible with the scale, height, massing, architectural style, and/or materials of the surrounding neighborhood; and

WHEREAS, on June 25 and July 16, 2008, the Architectural Commission of the City of Claremont studied, discussed, and provided recommendations on alternative tools and regulations for addressing the community's concerns about mansionization; and

WHEREAS, on July 1 and July 15, 2008, the Planning Commission of the City of Claremont studied, discussed, and provided recommendations on alternative tools and regulations for addressing the community's concerns about mansionization; and

WHEREAS, on September 9, 2008, the City Council studied the potential tools and regulations, considered the recommendations of the Architectural and Planning Commissions, and provided direction to staff as to what tools and regulations were appropriate for Claremont; and

WHEREAS, on June 16, 2009, the Planning Commission of the City of Claremont held a duly noticed public hearing on this Ordinance, at which time all persons wishing to testify in connection with this Ordinance were heard, and after considering all public

comments, the commission (recommended/did not recommend) that the City Council adopt this Ordinance; and

WHEREAS, on September 22, 2009, the City Council of the City of Claremont held a duly noticed public hearing at which all persons wishing to testify in connection with this Ordinance were heard; and

WHEREAS, after considering all public comments, the City Council determined that this Ordinance is in the best interest of the City.

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

SECTION 1. The adoption of this Ordinance is exempt from the California Environmental Quality Act (CEQA) pursuant to Section 15061 of the CEQA Guidelines as there is no possibility that the Ordinance may have a significant adverse effect on the environment. The Ordinance reduces the potential building envelope for single-family residential development, and establishes additional review criteria to help protect existing residential neighborhoods and ensure new development is compatible with surrounding development. The Ordinance does not change the permitted uses, or reduce or increase the permitted density of development in any zoning district.

SECTION 2. This Ordinance is in the best interest of the City for the following reasons:

- a. The provisions contained in this Ordinance are necessary for the health, safety, and general welfare of the community.
- b. The land use regulations in this Ordinance are consistent with the General Plan and further the implementation of the General Plan.
- c. The land use regulations promote the following City goals and policies:

Goal 2-2: Preserve the City's distinctive residential character by maintaining land use patterns that strengthen our neighborhoods.

Policy 2-2.2: Promote neighborhood identify and conservation of individual neighborhood character.

Goal 2-5: Maintain and enhance Claremont's unique character.

Goal 2-11: Promote community identify and local history by encouraging context-sensitive design and development.

Policy 2-11.1: Require that new construction, additions, renovations, and in-fill developments be sensitive to neighborhood context and buildings forms and scale.

Policy 2-11.4: Prohibit new and large structures that compromise neighborhood quality.

Policy 2-14.4: Continue to recognize the fragile nature of historic residential areas, and work to ensure the harmonious appearance of each historic area.

Goal 8-2: Preserve the unique physical and social character of individual neighborhoods.

Policy 8-2.1: Require all new development to complement and respond to the established character of the neighborhood in which it is located.

- d. The land use regulations achieve an appropriate balance between the regulation of uses and development to advance shared community values, and the respect for property rights.

SECTION 3. Title 16 of the Claremont Municipal Code, the Zoning Ordinance of the City of Claremont, is amended as follows:

I. A new Subsection 16.001.040.B is added to Chapter 16.001, entitled RS Single Family Districts, to read as follows:

B. Maximum Lot Size

1. Lots in the RS Districts shall not exceed the maximums listed below except as otherwise permitted by this Subsection.

- a. RS (20,000) District – 30,000 square feet
- b. RS (13,000) District – 19,500 square feet
- c. RS (10,000) District – 15,000 square feet
- d. RS (8,000) District – 12,000 square feet

2. Two or more contiguous parcels that have been held by the same owner and developed, and continually used from the time of their development, as one residential property may be merged to create a single lot exceeding the above maximum lot sizes if one of the following requirements is met:

a. No more than one of the affected parcels has ever been developed with a structure other than accessory structures, or a structure other than an accessory structure, for which a building permit was issued or for which a building permit was not required at time of construction, that is also partially sited on a contiguous parcel.

b. No more than one parcel has legal access which is adequate for vehicular and safety equipment access and maneuverability.

3. All existing lots that exceed the above maximums and which were created pursuant to the ordinances and regulations in effect at the time of their creation shall be considered conforming lots not subject to the provisions of Chapter 16.400.

(Note: Existing Subsections 16.001.040.B and 16.001.040.C are renumbered as 16.001.040.C and 16.001.040.D to accommodate the above addition.)

II. Subsection 16.001.040.D of Chapter 16.001, entitled RS Single Family Districts, is renumbered as 16.001.040.E and amended to read as follows:

E. Maximum Floor Area of Main Residential Structure (All RS Districts)

The total floor area of the main residential structure shall not exceed a maximum of 2000 square feet plus 15 percent of the square footage of the net lot area, or the maximum floor area as set forth in the following table for each RS District, whichever is less.

RS District	Maximum floor area of main residential structure regardless of lot size
RS (8000)	Maximum 4,800 square feet
RS (10,000)	Maximum 5,250 square feet
RS (13,000)	Maximum 5,925 square feet
RS (20,000)	Maximum 7,500 square feet

For purposes of this Section, the calculation of floor area shall include the floor areas of all floors of the main residential structure including the area of an upper level not separated from a lower level by a floor/ceiling assembly including the upper and lower areas of any stairwell, floor areas of attached garages, carports, covered patios, and any open inner courtyard/patio area that is bounded on more than 80 percent of its perimeter by exterior walls of the main residential structure. Floor area calculation shall not include the floor area of detached accessory structures, except as noted below, uncovered patios, decks or balconies, basements where the finished floor level directly above is less than six feet above grade at any point, or uncovered courtyard area that is not bounded on more than 80 percent of its perimeter by exterior walls of the main residential structure.

When any accessory building is located less than six feet from a main residential building, the floor area of such accessory building shall be included in the floor area calculation of the main residential building. The accessory building shall still be subject to all accessory building standards.

All existing structures that exceed the above maximums and which were constructed pursuant to the ordinances and regulations in effect at the time of their construction shall be considered conforming buildings not subject to the provisions of Chapter 16.400.

III. A new Subsection 16.001.040.F is added to Chapter 16.001, entitled RS Single Family District, and shall read as follows:

F. Maximum Floor Area of Second Story of Main Residential Structure

The total floor area of a second story of the main residential structure shall not exceed 40 percent of the maximum permitted floor area of the main residential structure.

(Note: Existing Subsections 16.001.040.E through 16.001.040.H are renumbered as 16.001.040.G through 16.001.040.I to accommodate the above addition.)

IV. A new Subsection 16.004.060.B is added to Chapter 16.004, entitled HC Historical Claremont District, and shall read as follows:

B. Maximum Lot Size

1. Lots in the HC District shall not exceed 11,250 square feet excepting two or more contiguous parcels that have been held by the same owner and developed, and continually used from the time of their development, as one residential property may be merged to create a single lot exceeding 11,250 square feet if one of the following requirements is met:

a. No more than one of the affected parcels has ever been developed with structures other than accessory structures, or a structure other than an accessory structure, for which a permit was issued or for which a building permit was not required at time of construction, that is also partially sited on a contiguous parcel.

b. No more than one parcel has legal access which is adequate for vehicular and safety equipment access and maneuverability.

2. All existing lots greater than 11,250 square feet which were created pursuant to the ordinances and regulations in effect at the time of their creation shall be considered confirming lots not subject to the provisions of Chapter 16.400.

(Note: Existing Subsections 16.004.060.B through 16.004.060.E are renumbered as 16.004.060.C through 16.004.060.F to accommodate the above addition.)

V. Existing Subsection 16.004.060.F of Chapter 16.004, entitled HC Historical Claremont District, is renumbered 16.004.060.G and is amended to read as follows:

G. Maximum Floor Area of Main Residential Building

The maximum floor area of the main residential structure shall not exceed a maximum of 2,000 square feet plus 15 percent of the square footage of the net lot area, or 4,688 square feet, whichever is less.

For purposes of this Section, the calculation of floor area shall include the floor areas of all floors of the main residential structure including the area of an upper level not separated from a lower level by a floor/ceiling assembly including the upper and lower areas of any stairwell, floor areas of attached garages, carports, covered patios, and any open inner courtyard/patio area that is bounded on more than 80 percent of its perimeter by exterior walls of the main residential structure. Floor area calculation shall not include the floor area of detached accessory structures, except as noted below, uncovered patios, decks or balconies, basements where the finished floor level directly above is less than six feet above grade at any point, or uncovered courtyard area that is not bounded on more than 80 percent of its perimeter by exterior walls of the main residential structure.

All existing structures that exceed the above maximum and which were constructed pursuant to the ordinances and regulations in effect at the time of their

construction shall be considered conforming buildings not subject to the provisions of Chapter 16.400.

VI. A new Subsection 16.004.060.H is added to Chapter 16.004, entitled HC Historical Claremont District, and shall read as follows:

H. Maximum Floor Area of Second Story of Main Residential Structure

The total floor area of a second story of the main residential structure shall not exceed 40 percent of the maximum permitted floor area of the main residential structure.

(Note: Existing Subsection 16.004.060.G is renumbered as 16.004.060.I to accommodate the above additions.)

VII. Existing Subsection 16.007.040.F of Chapter 16.007, entitled RR Rural Residential Districts, is amended to read as follows:

F. Maximum Floor Area of Main Residential Structure

The maximum floor area of the main residential structure shall not exceed a maximum of 2,000 square feet plus 15 percent of the square footage of the net lot area, or 9,750 square feet, whichever is less.

For purposes of this Section, the calculation of floor area shall include the floor areas of all floors of the main residential structure including the area of an upper level not separated from a lower level by a floor/ceiling assembly including the upper and lower areas of any stairwell, floor areas of attached garages, carports, covered patios, and any open inner courtyard/patio area that is bounded on more than 80 percent of its perimeter by exterior walls of the main residential structure. Floor area calculation shall not include the floor area of detached accessory structures, except as noted below, uncovered patios, decks or balconies, basements where the finished floor level directly above is less than six feet above grade at any point, or uncovered courtyard area that is not bounded on more than 80 percent of its perimeter by exterior walls of the main residential structure.

When any accessory building is located less than six feet from a main residential building, the floor area of such accessory building shall be included in the floor area calculation of the main residential building. The accessory building shall still be subject to all accessory building standards.

All existing structures that exceed the above maximum and which were constructed pursuant to the ordinances and regulations in effect at the time of their construction shall be considered conforming buildings not subject to the provisions of Chapter 16.400.

VIII. A new Subsection 16.007.040.G is added to Chapter 16.007, entitled RR Rural Residential Districts, and shall read as follows:

G. Maximum Floor Area of Second Story of Main Residential Structure

The total floor area of a second story of the main residential structure shall not exceed 40 percent of the maximum permitted floor area of the main residential structure.

(Note: Existing Subsections 16.007.040.G through 16.007.040.M are renumbered as 16.007.040.H through 16.007.040.N to accommodate the above addition.)

IX. Section 16.300.030 of Chapter 16.300, entitled Architectural Review, is amended to read as follows:

16.300.030 REVIEW RESPONSIBILITIES

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

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

1. New buildings and structures in all districts except in the RS (Residential Single-Family), RR (Rural Residential), and H (Hillside) districts.

2. New non single-family residential development and single-family dwellings on five or more lots in the RS (Residential Single-Family), RR (Rural Residential) and H (Hillside) districts, and new Residential Unit Developments.

3. New parking lots, landscaping, irrigation for non single-family residential uses, and similar site features associated with the non single-family residential development.

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

5. Relocations of buildings within the City and into the City.

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

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

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

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

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

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

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

5. Minor additions to existing commercial development that will not significantly alter the appearance of the commercial development, such as additions or modifications to existing automatic teller machines, storefront awnings, and outdoor lighting fixtures.

6. Modifications to interior character-defining features on properties subject to a Historical Property (Mills Act) Agreement, which do not otherwise require review and approval by the Architectural Commission.

X. Subsection 16.300.040.A in Chapter 16.300, entitled Architectural Review, is amended to read as follows:

A. Application Filing

1. Applications for Architectural Commission review shall be made on forms provided by the Department of Community Development together with any applicable fees. The application shall be accompanied by plans and exhibits as required by the department staff.

2. For new single-family residential development in which the proposed size of the main residential structure is equal to or greater than 85 percent of the maximum square footage allowed by this Title, a 3-D image of the proposed construction shall be required. The Director of Community Development may waive the requirement for a 3-D image for minor building additions that the Director determines will not have a significant visual impact as viewed from the public right of way or adjacent properties.

XI. Subsection 16.300.040.F in Chapter 16.300, entitled Architectural Review, is amended to read as follows:

F. Commission Review and Decision

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

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

In reviewing and making decisions on proposed development, the Architectural Commission shall consider the economic, social, and environmental sustainability of the community. The commission shall balance community goals of building a strong local economy that provides employment and generates revenue to

support City services, preserving and enhancing the City's heritage, unique character and quality of life, and promoting sustainable design practices in homes and neighborhoods environment.

XII. A new Section 16.300.055 is added to Chapter 16.300, entitled Architectural Review, which shall read as follows:

16.300.055 PROCEDURE FOR STAFF REVIEW

A. Staff Review and Notice of Development in All Districts

1. Prior to issuance of a building permit for a development proposal requiring staff review, staff shall review such proposal to determine compliance with the intent of this Chapter and conformity with the standards of this Title and other applicable ordinances, regulations and policies.

2. Staff shall require such plans and specifications it determines necessary for a complete review and understanding of the proposed development.

3. If the Director determines proposed development could have an adverse impact on existing development or result in development incompatible with the architectural character of development in the immediate area, notice of the development shall be mailed to all owners of properties that could be affected. The notice shall state that staff is reviewing the development proposal. Such notices shall be sent not less than ten days prior to any action taken on the proposed development by staff.

B. Staff Conditions

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

C. Staff Referral

The Director may refer any development proposal that staff is authorized to review to the Architectural Commission for architectural review.

XIII. Section 16.300.060 in Chapter 16.300, entitled Architectural Review, is amended to read as follows:

16.300.060 REVIEW CRITERIA

A. General Review Criteria

The Architectural Commission or staff (as provided for in Section 16.300.030.C) may approve a development proposal only if all the following criteria are met:

1. The proposed development is in conformity with the standards of this Title and other applicable ordinances and regulations insofar as the location and appearance of the buildings and structures are involved.

2. The proposed site is of an appropriate size to accommodate the type of development being proposed, and the proposed project is consistent with the intent of the district in which it is to be located.

3. The proposed development is consistent with the goals and policies of the City's General Plan, furthers the City's economic, social, and environmental sustainability goals, and is compatible with the planned future development as

envisioned in the General Plan, and any adopted specific plans, and/or approved master plans, and/or approved development plans.

4. The design of the proposed development will not visually dominate or interfere with the established development pattern of the neighborhood and is compatible with existing development on the property and in the surrounding area, in terms of scale, height, bulk, exterior materials, ornamentation and trim, window and door spacing/rhythm, finished floor height, roof pitch/style, development pattern (setbacks, garage location/orientation, entry orientation/treatment, front porches/balconies), and the design of the project contributes to community appearances by avoiding both excessive variety and monotonous repetition.

5. The proposed development's exterior design and appearance are of a quality and character which are compatible with surrounding development or which enhance the neighborhood.

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

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

8. If located between or on the border of different land uses and/or districts, the proposed development will provide for an appropriate transition or shift between the adjacent developments in terms of building height, bulk, setbacks, and landscaping.

9. The site plan and the design of the buildings, parking areas, signs, landscaping, luminaires, and other site features provide for adequate and safe vehicular, pedestrian, and bicycle circulation, and the visual effect of the development from view of the public streets will not be detrimental to the public interest, health, safety, convenience, or welfare.

10. All mechanical equipment, trash enclosures, storage, and loading areas, if proposed, are screened consistent with the regulations in Chapter 16.142.

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

12. The proposed development is designed to preserve and/or retain on-site significant mature trees to the greatest extent possible. Removal of significant mature trees shall be avoided, except trees determined to be of poor health or when retention of a tree is economically infeasible.

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

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

B. Additional Criteria for Development in CV District

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

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

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

D. Development in RR Districts

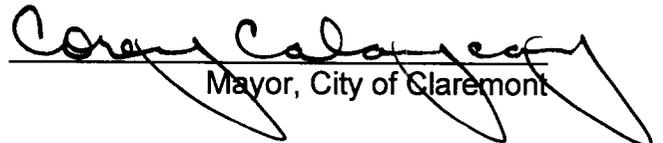
New development and modifications in the RR Districts shall also be subject to the Rural Claremont Architectural and Landscape Standards.

XIV. Section 16.300.070 in Chapter 16.300, entitled Architectural Review, is deleted in its entirety.

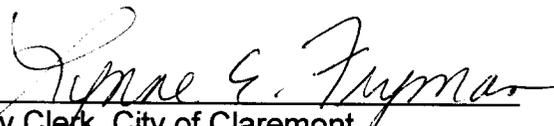
SECTION 4. Projects which have been submitted for architectural review and approved by City staff or the Architectural Commission pursuant to Chapter 16.300 on or before October 22, 2009, shall not be required to comply with the standards of Title 16 as amended by this Ordinance, but shall be required to meet the standards of Title 16 as the standards existed prior to this Ordinance.

SECTION 5. The mayor shall sign this ordinance and the city clerk shall attest and certify to the passage and adoption of it, and within fifteen (15) days, publish in the Claremont Courier, a semi-weekly newspaper of general circulation, printed, published, and circulated in the City of Claremont and thirty (30) days thereafter it shall take effect and be in force.

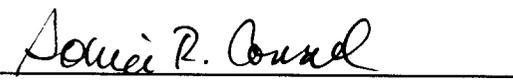
PASSED, APPROVED, AND ADOPTED this 22nd day of September, 2009.


Mayor, City of Claremont

ATTEST:


City Clerk, City of Claremont

APPROVED AS TO FORM:


City Attorney, City of Claremont

RECORDING REQUESTED BY AND MAIL TO:

Claremont Courier
1420 N. Claremont Blvd.
Suite 205-B
Claremont, CA 91711
909-621-4761

**PROOF OF PUBLICATION
(2015.5 C.C.P)**

STATE OF CALIFORNIA,
County of Los Angeles,

I am a citizen of the United States and a resident of the County aforesaid: I am over the age of eighteen years, and not a party to or interested in the above-entitled matter. I am the principal clerk of the printer of the

CLAREMONT COURIER

A newspaper of general circulation, printed and published semi-weekly in the City of Claremont, County of Los Angeles; and which newspaper has been adjudged a newspaper of general circulation by the Superior Court of Los Angeles, State of California, under the date of 9/17, 1908, Case Number C134; that the notice, of which the annexed is a printed copy (set in type not smaller than nonpareil), has been published in each regular and entire issue of said newspaper and not in any supplement thereof on the following dates, to wit:

9/12

all in the year 2009

I certify (or declare) under penalty of perjury that the foregoing is true and correct.

Dated at Claremont, California, this 14 day of September, 2009.

Jenny Pasero
Signature

This space is for the County Clerk's Filing Stamp

MAIL TO:

Proof of Publication of

**SUMMARY OF ORDINANCE
INTRODUCED AT THE REGULAR
CLAREMONT CITY COUNCIL MEETING
OF SEPTEMBER 1, 2009**

(Full text of this ordinance is on file in the office of the City Clerk)

**SUMMARY OF AN ORDINANCE OF THE
CITY COUNCIL OF THE CITY OF CLAREMONT,
CALIFORNIA, AMENDING TITLE 16
OF THE CLAREMONT MUNICIPAL CODE
PERTAINING TO DEVELOPMENT STANDARDS
FOR RESIDENTIAL DEVELOPMENT
AND ARCHITECTURAL REVIEW REQUIREMENTS**

The ordinance revises development standards and architectural review requirements for single-family residential developments as follows:

Establishes maximum lot sizes for RS Single-Family Residential Districts and the HC Historic Claremont District to prevent the merging of two or more lots to create an oversized lot except if the lots have been used historically as a single property.

Revises the formula for allowable floor area of single-family homes in single-family residential districts to reduce allowable floor areas except on lots of 5,000 square feet or less.

Establishes maximum floor areas for homes on existing oversized lots in the RS Single Family Residential Districts and the HC Historical Claremont District, which vary for the different zoning districts.

Amends the method of calculating floor area of single-family homes to include any interior courtyard area that is bounded on more than 80 percent of its perimeter by the exterior walls of the home.

Restricts the floor area of a second story of a single-family home to that equal to no more than 40 percent of the maximum permitted floor area for a home on the property.

Require the submittal of 3-D images for new single-family residential construction when the addition would bring the size of the total structure to within 85 percent of the maximum square footage allowed.

Updates and clarifies architectural review criteria to address the goals and policies of the General Plan, and make staff review criteria the same as commission review criteria.

Copies of the proposed ordinance are available for review at City Hall, 207 Harvard Avenue and on the City of Claremont website, www.ci.claremont.ca.us. For more information, contact the City Clerk's Office (909) 399-5461.
Publish: September 12, 2009

RECORDING REQUESTED BY AND MAIL TO:

Claremont Courier
1420 N. Claremont Blvd.
Suite 205-B
Claremont, CA 91711
909-621-4761

This space is for the County Clerk's Filing Stamp

PROOF OF PUBLICATION
(2015.5 C.C.P)

STATE OF CALIFORNIA,
County of Los Angeles,

I am a citizen of the United States and a resident of the County aforesaid; I am over the age of eighteen years, and not a party to or interested in the above-entitled matter. I am the principal clerk of the printer of the

MAIL TO: _____

CLAREMONT COURIER

.....
A newspaper of general circulation, printed and published semi-weekly in the City of Claremont, County of Los Angeles; and which newspaper has been adjudged a newspaper of general circulation by the Superior Court of Los Angeles, State of California, under the date of 9/17, 1908, Case Number C134; that the notice, of which the annexed is a printed copy (set in type not smaller than nonpareil), has been published in each regular and entire issue of said newspaper and not in any supplement thereof on the following dates, to wit:

9/30

.....
all in the year 2009

I certify (or declare) under penalty of perjury that the foregoing is true and correct.

Dated at Claremont, California,
this 30 day of September, 2009.

Landy Hasano
.....

Signature

Proof of Publication of

.....
on back

**ORDINANCE NO. 2009-11
AN ORDINANCE OF THE CITY COUNCIL
OF THE CITY OF CLAREMONT, CALIFORNIA,
AMENDING TITLE 16 OF THE CLAREMONT
MUNICIPAL CODE PERTAINING TO
DEVELOPMENT STANDARDS FOR RESIDENTIAL
DEVELOPMENT AND ARCHITECTURAL
REVIEW REQUIREMENTS**

WHEREAS, as set forth in the City's General Plan, community design and historic preservation are important to the residents of Claremont; and **WHEREAS**, the City has a long history in being proactive in guiding land use development, creating and protecting the City's district visual character, and maintaining the community's distinct neighborhoods; and

WHEREAS, in 1965, the City Council established an Architectural Commission to guide the design and redesign of physical elements, and ensure the harmonious composition and preservation of visual aspects of the City; and

WHEREAS, the commission, through its review of development projects and recommendations on design issues, protects the City's character, sense of place, and unique physical environment; and

WHEREAS, to protect the design and aesthetic qualities of all neighborhoods and areas of the City, the City in 1994 expanded architectural review requirements to include all new single-family residential construction; and

WHEREAS, there is a growing concern in the community about mansions, a trend in which existing homes are expanded and new homes are built that result in development that is incompatible with the scale, height, massing, architectural style, and/or materials of the surrounding neighborhood; and

WHEREAS, on June 25 and July 16, 2008, the Architectural Commission of the City of Claremont studied, discussed, and provided recommendations on alternative tools and regulations for addressing the community's concerns about mansions; and

WHEREAS, on July 1 and July 15, 2008, the Planning Commission of the City of Claremont studied, discussed, and provided recommendations on alternative tools and regulations for addressing the community's concerns about mansions; and

WHEREAS, on September 9, 2008, the City Council studied the potential tools and regulations, considered the recommendations of the Architectural and Planning Commissions, and provided direction to staff as to what tools and regulations were appropriate for Claremont; and

WHEREAS, on June 16, 2009, the Planning Commission of the City of Claremont held a duly noticed public hearing on this Ordinance, at which time all persons wishing to testify in connection with this Ordinance were heard, and after considering all public comments, the commission (recommended/did not recommend) that the City Council adopt this Ordinance; and

WHEREAS, on September 22, 2009, the City Council of the City of Claremont held a duly noticed public hearing at which all persons wishing to testify in connection with this Ordinance were heard; and

WHEREAS, after considering all public comments, the City Council determined that this Ordinance is in the best interest of the City.

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

SECTION 1. The adoption of this Ordinance is exempt from the California Environmental Quality Act (CEQA) pursuant to Section 15061 of the CEQA Guidelines as there is no possibility that the Ordinance may have a significant adverse effect on the environment. The Ordinance reduces the potential building envelope for single-family residential development, and establishes additional review criteria to help protect existing residential neighborhoods and ensure new development is compatible with surrounding development. The Ordinance does not change the permitted uses, or reduce or increase the permitted density of development in any zoning district.

SECTION 2. This Ordinance is in the best interest of the City for the following reasons:

The provisions contained in this Ordinance are necessary for the health, safety, and general welfare of the community.

The land use regulations in this Ordinance are consistent with the General Plan and further the implementation of the General Plan.

The land use regulations promote the following City goals and policies:

Goal 2-2: Preserve the City's distinctive residential character by maintaining land use patterns that strengthen our neighborhoods.

Policy 2-2.2: Promote neighborhood identity and conservation of individual neighborhood character.

Goal 2-5: Maintain and enhance Claremont's unique character.

Goal 2-11: Promote community identity and local history by encouraging context-sensitive design and development.

Policy 2-11.1: Require that new construction, additions, renovations, and in-fill developments be sensitive to neighborhood context and buildings forms and scale.

Policy 2-11.4: Prohibit new and large structures that compromise neighborhood quality.

Policy 2-14.4: Continue to recognize the fragile nature of historic residential areas, and work to ensure the harmonious appearance of each historic area.

Goal 8-2: Preserve the unique physical and social character of individual neighborhoods.

Policy 8-2.1: Require all new development to complement and respond to the established character of the neighborhood in which it is located.

The land use regulations achieve an appropriate balance between the regulation of uses and development to advance shared community values, and the respect for property rights.

SECTION 3. Title 16 of the Claremont Municipal Code, the Zoning Ordinance of the City of Claremont, is amended as follows:

I. A new Subsection 16.001.040.B is added to Chapter 16.001, entitled RS Single Family Districts, to read as follows:

B. Maximum Lot Size

1. Lots in the RS Districts shall not exceed the maximums listed below except as otherwise permitted by

this Subsection.

RS (20,000) District - 30,000 square feet

RS (13,000) District - 19,500 square feet

RS (10,000) District - 15,000 square feet

RS (8,000) District - 12,000 square feet

2. Two or more contiguous parcels that have been held by the same owner and developed, and continually used from the time of their development, as one residential property may be merged to create a single lot exceeding the above maximum lot sizes if one of the following requirements is met:

a. No more than one of the affected parcels has ever been developed with a structure other than accessory structures, or a structure other than an accessory structure, for which a building permit was issued or for which a building permit was not required at time of construction, that is also partially sited on a contiguous parcel.

b. No more than one parcel has legal access which is adequate for vehicular and safety equipment access and maneuverability.

3. All existing lots that exceed the above maximums and which were created pursuant to the ordinances and regulations in effect at the time of their creation shall be considered conforming lots not subject to the provisions of Chapter 16.400.

(Note: Existing Subsections 16.001.040.B and 16.001.040.C are renumbered as 16.001.040.C and 16.001.040.D to accommodate the above addition.)

II. Subsection 16.001.040.D of Chapter 16.001, entitled RS Single Family Districts, is renumbered as 16.001.040.E and amended to read as follows:

E. Maximum Floor Area of Main Residential Structure (All RS Districts) The total floor area of the main residential structure shall not exceed a maximum of 2000 square feet plus 15 percent of the square footage of the net lot area, or the maximum floor area as set forth in the following table for each RS District, whichever is less.

RS District Maximum floor area of main residential structure regardless of lot size

RS (8000) Maximum 4,800 square feet

RS (10,000) Maximum 5,250 square feet

RS (13,000) Maximum 5,925 square feet

RS (20,000) Maximum 7,500 square feet

For purposes of this Section, the calculation of floor area shall include the floor areas of all floors of the main residential structure including the area of an upper level not separated from a lower level by a floor/ceiling assembly including the upper and lower areas of any stairwell, floor areas of attached garages, carports, covered patios, and any open inner courtyard/patio area that is bounded on more than 80 percent of its perimeter by exterior walls of the main residential structure. Floor area calculation shall not include the floor area of detached accessory structures, except as noted below, uncovered patios, decks or balconies, basements where the finished floor level directly above is less than six feet above grade at any point, or uncovered courtyard area that is not bounded on more than 80 percent of its perimeter by exterior walls of the main residential structure.

When any accessory building is located less than six feet from a main residential building, the floor area of such accessory building shall be included in the floor area calculation of the main residential building. The accessory building shall still be subject to all accessory building standards.

All existing structures that exceed the above maximums and which were constructed pursuant to the ordinances and regulations in effect at the time of their construction shall be considered conforming buildings not subject to the provisions of Chapter 16.400.

III. A new Subsection 16.001.040.F is added to Chapter 16.001, entitled RS Single Family District, and shall read as follows:

F. Maximum Floor Area of Second Story of Main Residential Structure

The total floor area of a second story of the main residential structure shall not exceed 40 percent of the maximum permitted floor area of the main residential structure.

(Note: Existing Subsections 16.001.040.E through 16.001.040.H are renumbered as 16.001.040.G through 16.001.040.I to accommodate the above addition.)

IV. A new Subsection 16.004.060.B is added to Chapter 16.004, entitled HC Historical Claremont District, and shall read as follows:

B. Maximum Lot Size

1. Lots in the HC District shall not exceed 11,250 square feet excepting two or more contiguous parcels that have been held by the same owner and developed, and continually used from the time of their development, as one residential property may be merged to create a single lot exceeding 11,250 square feet if one of the following requirements is met:

a. No more than one of the affected parcels has ever been developed with structures other than accessory structures, or a structure other than an accessory structure, for which a permit was issued or for which a building permit was not required at time of construction, that is also partially sited on a contiguous parcel.

b. No more than one parcel has legal access which is adequate for vehicular and safety equipment access and maneuverability.

2. All existing lots greater than 11,250 square feet which were created pursuant to the ordinances and regulations in effect at the time of their creation shall be considered conforming lots not subject to the provisions of Chapter 16.400.

(Note: Existing Subsections 16.004.060.B through 16.004.060.E are renumbered as 16.004.060.C through 16.004.060.F to accommodate the above addition.)

V. Existing Subsection 16.004.060.F of Chapter 16.004, entitled HC Historical Claremont District, is renumbered 16.004.060.G and is amended to read as follows:

Maximum Floor Area of Main Residential Building

The maximum floor area of the main residential structure shall not exceed a maximum of 2,000 square feet plus 15 percent of the square footage of the net lot area, or 4,688 square feet, whichever is less.

For purposes of this Section, the calculation of floor area shall include the floor areas of all floors of the main residential structure including the area of an upper level not separated from a lower level by a

floor/ceiling assembly including the upper and lower areas of any stairwell, floor areas of attached garages, carports, covered patios, and any open inner courtyard/patio area that is bounded on more than 80 percent of its perimeter by exterior walls of the main residential structure. Floor area calculation shall not include the floor area of detached accessory structures, except as noted below, uncovered patios, decks or balconies, basements where the finished floor level directly above is less than six feet above grade at any point, or uncovered courtyard area that is not bounded on more than 80 percent of its perimeter by exterior walls of the main residential structure.

All existing structures that exceed the above maximum and which were constructed pursuant to the ordinances and regulations in effect at the time of their construction shall be considered conforming buildings not subject to the provisions of Chapter 16.400.

VI. A new Subsection 16.004.060.H is added to Chapter 16.004, entitled HC Historical Claremont District, and shall read as follows:

H. Maximum Floor Area of Second Story of Main Residential Structure

The total floor area of a second story of the main residential structure shall not exceed 40 percent of the maximum permitted floor area of the main residential structure.

(Note: Existing Subsection 16.004.060.G is renumbered as 16.004.060.I to accommodate the above additions.)

VII. Existing Subsection 16.007.040.F of Chapter 16.007, entitled RR Rural Residential Districts, is amended to read as follows:

F. Maximum Floor Area of Main Residential Structure

The maximum floor area of the main residential structure shall not exceed a maximum of 2,000 square feet plus 15 percent of the square footage of the net lot area, or 9,750 square feet, whichever is less.

For purposes of this Section, the calculation of floor area shall include the floor areas of all floors of the main residential structure including the area of an upper level not separated from a lower level by a floor/ceiling assembly including the upper and lower areas of any stairwell, floor areas of attached garages, carports, covered patios, and any open inner courtyard/patio area that is bounded on more than 80 percent of its perimeter by exterior walls of the main residential structure. Floor area calculation shall not include the floor area of detached accessory structures, except as noted below, uncovered patios, decks or balconies, basements where the finished floor level directly above is less than six feet above grade at any point, or uncovered courtyard area that is not bounded on more than 80 percent of its perimeter by exterior walls of the main residential structure.

When any accessory building is located less than six feet from a main residential building, the floor area of such accessory building shall be included in the floor area calculation of the main residential building. The accessory building shall still be subject to all accessory

All existing structures that exceed the above maximum and which were constructed pursuant to the ordinances and regulations in effect at the time of their construction shall be considered conforming buildings not subject to the provisions of Chapter 16.400.

VIII. A new Subsection 16.007.040.G is added to Chapter 16.007, entitled RR Rural Residential Districts, and shall read as follows:

G. Maximum Floor Area of Second Story of Main Residential Structure

The total floor area of a second story of the main residential structure shall not exceed 40 percent of the maximum permitted floor area of the main residential structure.

(Note: Existing Subsections 16.007.040.G through 16.007.040.M are renumbered as 16.007.040.H through 16.007.040.N to accommodate the above addition.)

IX. Section 16.300.030 of Chapter 16.300, entitled Architectural Review, is amended to read as follows:

16.300.030 REVIEW RESPONSIBILITIES

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

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

New buildings and structures in all districts except in the RS (Residential Single-Family), RR (Rural Residential), and H (Hillside) districts.

New non single-family residential development and single-family dwellings on five or more lots in the RS (Residential Single-Family), RR (Rural Residential), and H (Hillside) districts, and new Residential Unit Developments.

3. New parking lots, landscaping, irrigation for non single-family residential uses, and similar site features associated with the non single-family residential development.

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

5. Relocations of buildings within the City and into the City.

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

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

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

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

New construction of and modifications to accessory buildings and structures, including, but not limited to,

1. Applications for Architectural Commission review shall be made on forms provided by the Department of Community Development together with any applicable fees. The application shall be accompanied by plans and exhibits as required by the department staff.

2. For new single-family residential development in which the proposed size of the main residential structure is equal to or greater than 85 percent of the maximum square footage allowed by this Title, a 3-D image of the proposed construction shall be required.

The Director of Community Development may waive the requirement for a 3-D image for minor building additions that the Director determines will not have a significant visual impact as viewed from the public right of way or adjacent properties.

XI. Subsection 16.300.040.F in Chapter 16.300, entitled Architectural Review, is amended to read as follows:

F. Commission Review and Decision

All those development proposals requiring Architectural Commission approval shall be forwarded to the Architectural Commission for their consideration at their next available meeting, considering any required environmental review and public notice requirements.

The hearing may be set for a later date with consent of the applicant.

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

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

XII. A new Section 16.300.055 is added to Chapter 16.300, entitled Architectural Review, which shall read as follows:

16.300.055 PROCEDURE FOR STAFF REVIEW

A. Staff Review and Notice of Development in All Districts

1. Prior to issuance of a building permit for a development proposal requiring staff review, staff shall review such proposal to determine compliance with the intent of this Chapter and conformity with the standards of this Title and other applicable ordinances, regulations and policies.

2. Staff shall require such plans and specifications it determines necessary for a complete review and understanding of the proposed development.

3. If the Director determines proposed development could have an adverse impact on existing development or result in development incompatible with the architectural character of development in the immediate area, notice of the development shall be mailed to all owners of properties that could be affected. The notice shall state that staff is reviewing the development proposal. Such notices shall be sent not less than ten days prior to any action taken on the proposed development by staff.

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

5. Staff Referral
The Director may refer any development proposal that staff is authorized to review to the Architectural Commission for architectural review.

III. Section 16.300.060 in Chapter 16.300, entitled Architectural Review, is amended to read as follows:

16.300.060 REVIEW CRITERIA

General Review Criteria

The Architectural Commission or staff (as provided for in Section 16.300.030.C) may approve a development proposal only if all the following criteria are met:

The proposed development is in conformity with the standards of this Title and other applicable ordinances and regulations insofar as the location and appearance of the buildings and structures are involved. The proposed site is of an appropriate size to accommodate the type of development being proposed, and the proposed project is consistent with the intent of the district in which it is to be located.

The proposed development is consistent with the goals and policies of the City's General Plan, furthers the City's economic, social, and environmental sustainability goals, and is compatible with the planned future development as envisioned in the General Plan, and any adopted specific plans, and/or approved master plans, and/or approved development plans.

The design of the proposed development will not visually dominate or interfere with the established development pattern of the neighborhood and is com-

patible with existing development on the property and in the surrounding area, in terms of scale, height, bulk, exterior materials, ornamentation and trim, window and door spacing/rhythm, finished floor height, roof pitch/style, development pattern (setbacks, garage location/orientation, entry orientation/treatment, front porches/balconies), and the design of the project contributes to community appearances by avoiding both excessive variety and monotonous repetition.

5. The proposed development's exterior design and appearance are of a quality and character which are compatible with surrounding development or which enhance the neighborhood.

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

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

8. If located between or on the border of different land uses and/or districts, the proposed development will provide for an appropriate transition or shift between the adjacent developments in terms of building height, bulk, setbacks, and landscaping.

9. The site plan and the design of the buildings, parking areas, signs, landscaping, luminaires, and other site features provide for adequate and safe vehicular, pedestrian, and bicycle circulation, and the visual effect of the development from view of the public streets will not be detrimental to the public interest, health, safety, convenience, or welfare.

10. All mechanical equipment, trash enclosures, storage, and loading areas, if proposed, are screened consistent with the regulations in Chapter 16.142.

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

12. The proposed development is designed to preserve and/or retain on-site significant mature trees to the greatest extent possible. Removal of significant mature trees shall be avoided, except trees determined to be of poor health or when retention of a tree is economically infeasible.

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

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

B. Additional Criteria for Development in CV District

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

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

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

D. Development in RR Districts

New development and modifications in the RR Districts shall also be subject to the Rural Claremont Architectural and Landscape Standards.

XIV. Section 16.300.070 in Chapter 16.300, entitled Architectural Review, is deleted in its entirety.

SECTION 4. Projects which have been submitted for architectural review and approved by City staff or the Architectural Commission pursuant to Chapter 16.300 on or before October 22, 2009, shall not be required to comply with the standards of Title 16 as amended by this Ordinance, but shall be required to meet the standards of Title 16 as the standards existed prior to this Ordinance.

SECTION 5. The mayor shall sign this ordinance and the city clerk shall attest and certify to the passage and adoption of it, and within fifteen (15) days, publish in the Claremont Courier, a semi-weekly newspaper of general circulation, printed, published, and circulated in the City of Claremont and thirty (30) days thereafter it shall take effect and be in force.

PASSED, APPROVED, AND ADOPTED this 22nd day of September, 2009.

/s/ Corey Calaycay

Mayor, City of Claremont

ATTEST:
/s/ Lynne Fryman

City Clerk, City of Claremont

APPROVED AS TO FORM:
/s/ Sonia Carvalho

City Attorney, City of Claremont

STATE OF CALIFORNIA)
COUNTY OF LOS ANGELES) ss.
CITY OF CLAREMONT)

I, Lynne Fryman, City Clerk of the City of Claremont, County of Los Angeles, State of California, hereby certify that the foregoing Ordinance No. 2009-11 was introduced at a regular meeting of said council held on the 1st day of September, 2009, that it was regularly passed and adopted by said city council, signed by the mayor, and attested by the city clerk of said city, all at a regular meeting of said council held on the 22nd day of September, 2009, and that the same was passed and adopted by the following vote:
AYES: COUNCILMEMBERS: PEDROZA, YAO, ELDERKIN, SCHROEDER, CALAYCAY
NOES: COUNCILMEMBERS: NONE
ABSTAINED: COUNCILMEMBERS: NONE
ABSENT: COUNCILMEMBERS: NONE

Executed this 29th day of September, 2009 at Claremont, California.

/s/ Lynne Fryman

City Clerk of the City of Claremont
PUBLISH: September 30, 2009