

Exhibit C

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23.76.130 Enforcement and penalties.

- (a) It shall be the duty of the community and economic development director, or the community and economic development director's delegate, to administer and enforce the provisions of this chapter.
- (b) It is unlawful for a person or entity to alter or demolish or cause to be altered or demolished any building or portion thereof in violation of any of the provisions of this chapter.
- (c) Any person or entity who alters or demolishes a building or causes an alteration or demolition in violation of the provisions of this chapter may be liable civilly in a sum equal to the replacement value of the building in kind, or an amount set at the discretion of the court.
- (d) The city attorney may maintain an action for injunctive relief to restrain or correct a violation, or cause, where possible, the complete or partial restoration, reconstruction or replacement in kind of any building or site demolished, altered or partially demolished, or allowed to fall below minimum maintenance standards in violation of this chapter.
- (e) A lot which is the site of alteration or demolition of a historic structure in violation of this chapter shall not be developed in excess of the floor area ratio, or the dwelling unit density, of the altered or demolished structure for a period of five years from the unlawful alteration or demolition. A person or entity may be relieved of the penalties provided in this subsection if, as to an unlawful alteration, the person or entity restores the original distinguishing qualities and character of the building destroyed or altered. Such restoration must be undertaken pursuant to a valid building permit issued after a recommendation by the architectural review board, and a finding by the city council that the proposed work will effect adequate restoration and can be done with a substantial degree of success.
- (f) The remedies provided in subsections (b) through (e) of this section are not exclusive. [Ord. 17-023 § 2, 2017; Ord. 01-25 § 1, 2001; Ord. 97-23 § 1, 1997].

1. In the event an historic resource is damaged as a result of a disaster or emergency, such that the historic resource is rendered uninhabitable, the City shall determine the level of risk associated with temporary retention of the historic resource in a deteriorated state. To the extent feasible, the deteriorated resource shall be fenced or otherwise secured to protect the public from the threat posed by the structure, until such time as the City can determine whether feasible alternatives to demolition exist.

2. In the event of a Federally declared disaster, the City shall consult with appropriate Federal and State agencies to determine if assistance is available to aid in the preservation of historical resources. (Ord. 2004-02 § 1, 2004; Ord. 2004-01 § 1, 2004).

17.32.210 Maintenance and Upkeep.

A. Minimum Maintenance.

1. All resources included in the inventory shall be preserved against decay and deterioration, kept in a state of good repair and free from structural defects. The purpose of this section is to prevent an owner or other person having legal custody and control over a property from facilitating demolition of a historic resource by neglecting it and by permitting damage to it by weather and/or vandalism.

2. Consistent with all other State and City codes requiring that buildings and structures be kept in good repair, the owner or other person having legal custody and control of a property shall repair such building or structure if it is found to have any of the following defects.

a. Building elements so attached that they may fall and injure members of the public or property.

b. Deteriorated or inadequate foundation.

c. Defective or deteriorated flooring.

d. Members of walls, partitions or other vertical supports that split, lean, list or buckle due to defective material or deterioration.

e. Members of ceilings, roofs, ceilings or roof supports or other horizontal members which that sag, split or buckle due to defective materials or deterioration.

f. Fireplaces or chimneys that list, bulge or settle due to defective material or deterioration.

g. Deteriorated, crumbling or loose exterior plaster.

h. Deteriorated or ineffective waterproofing of exterior walls, roofs, foundations or floors, including broken windows or doors.

i. Defective or lack of weather protection for exterior wall coverings, including lack of paint, or weathering due to lack of paint or other protective covering.

j. Any fault, defect or deterioration in the building which that renders it structurally unsafe or not properly watertight.

3. If the Building Official determines that a historic resource or any other property is being neglected and subject to damage from weather or vandalism, the Director and/or Building Official shall meet with the owner or other person

having legal custody and control of the historic resource to discuss with them ways to improve the condition of the property. If no attempt or insufficient effort is made to correct any noted conditions thereafter, the Building Official may issue a notice to comply requiring the owner or other person having legal custody and control of the historic resource to take action to require corrections of defects in the subject property in order that such historic resource may be preserved in accordance with this section.

B. Protection of Deteriorated, Vacant and Vandalized Resources.

1. The Building Official shall have the authority to issue an order to comply to any owner of any property included in the inventory if the Building Official determines that the property has become subject to vandalism or constitutes a public nuisance. In such circumstances, the Building Official shall have the authority to issue any order deemed appropriate to keep the property from being further vandalized or from becoming a public nuisance including, but not limited to, ordering that the building be secured and fenced.

2. For the purposes of this provision, the property shall include the interiors and exteriors of any accessory building located on a property in the inventory.

3. Security measures that the Building Official may order shall include, but not be limited to, the following:

a. The installation of the maximum allowed height, under this code, chain-link perimeter fencing with at least one securely locked pedestrian gate and the posting of ~~No~~ Trespassing signs at regular intervals.

b. Steel or plywood closures, with one-inch diameter air holes, installed at all doors and windows. (Sandwich panel installation shall be used so as to avoid drilling into window frames and sashes, doors, ornament or masonry units.)

c. The removal of all debris from the premises, including but not limited to wood, paper, cans, bottles and fecal matter.

d. Any temporary modifications required to be made to secure the building shall be reversible.

4. Any plans or proposals for work required to be performed pursuant to an order to comply to secure any building from being further vandalized or from becoming a public nuisance must first be reviewed by the Department and the Building Official to ensure that any work done to secure the building will not damage or alter the historic character of the building. This review by the Department and the Building Official shall be completed within 10 working days from the date any request for review is submitted. If the work to be performed includes substantial alteration, the procedures set forth in this section shall be utilized for review.

5. Nothing herein shall be interpreted to prohibit an owner from taking immediate temporary measures to secure a building from unauthorized entry.

6. It shall be unlawful for any property owner to fail to comply with any order to comply issued by the Building Official under this provision.

7. Additional Remedies . Notice of Intention. In addition to the remedies provided by this code, should an owner fail to comply with an order to comply, the City may take the necessary measures, including those authorized under this

code, to immediately secure the property against vandalism or prevent it from becoming a public nuisance. The City shall have the authority to assess the cost of performing this work as a lien against real property on which the building is located and take whatever additional action the City deems necessary to recover its costs and further secure the property and provide for its preservation. Prior to taking these measures, the City shall send a notice of intention to the owner. (Ord. 2004-02 § 1, 2004; Ord. 2004-01 § 1, 2004).

17.32.220 Telecommunications Facilities.

A. Proposals for telecommunications facilities shall be subject to review under this section if located within a district or within the boundaries of a property included in the inventory.

B. Co-location and use of stealth camouflaged equipment shall be required to the extent feasible for telecommunications facilities located within a district or within the boundaries of a property included in the inventory. (Ord. 2004-02 § 1, 2004; Ord. 2004-01 § 1, 2004).

17.32.230 Definitions.

A. ~~%~~Archaeological Resources Management Report+ (also ~~%~~ARMR+) shall mean the standard report format established by the Department for documentation of archaeological resources and attached as Appendix G¹ to this title. A Phase I report, records search and on-site survey shall identify the nature of the archaeological resource (e.g., privy, foundations, midden, etc.) and its location on the property. A Phase II report shall identify appropriate mitigations and treatments (e.g., monitoring, avoidance, capping, documentation, recovery, etc.). A Phase III report addresses recovery of resources.

B. ~~%~~Building+ shall mean a construction created to shelter any form of human activity, use or occupancy.

C. ~~%~~California Historical Building Code+ (also ~~%~~State Historical Building Code+ or ~~%~~SHBC)+ shall mean Part 8 of Title 24 (California Building Standards Code) of the California Code of Regulations.

D. ~~%~~California Register of Historical Resources+ (also ~~%~~California Register+) shall mean the inventory as required by the California Public Resources Code Section 5020.1 et seq. and regulations codified in the California Code of Regulations Section 4850 et seq.

E. ~~%~~Carmel Inventory of Historic Resources+ (also ~~%~~Carmel Inventory+ or ~~%~~Inventory)+ shall mean the ongoing collection of information for buildings, structures, objects, sites and districts surveyed by qualified professionals for the City and found to meet the criteria established in the City's GP/LUP. Properties included in the inventory have been surveyed in accordance with the requirements of California Public Resources Code (PRC) Section 5024.1(g), are recognized as historically significant as established in PRC Section 5024.1(k) and therefore meet the CEQA standard for a historical resource per CEQA Section 21084.1 and Guidelines Section 15064.5(a)(2).

F. ~~%~~Carmel Register of Historic Resources+ (also ~~%~~Carmel Register+) shall mean the historic resources designated by the City for public recognition and