



City of Arts & Innovation

City Council Memorandum

TO: HONORABLE MAYOR AND CITY COUNCIL **DATE: AUGUST 20, 2024**

FROM: COMMUNITY & ECONOMIC DEVELOPMENT **WARDS: ALL**
DEPARTMENT

SUBJECT: PLANNING CASE PR-2021-001145: CODE TEXTS AMENDMENTS TO TITLE 20
(CULTURAL RESOURCES) OF THE RIVERSIDE MUNICIPAL CODE.

ISSUES:

Conduct a Public Hearing on Planning Case PR-2021-001145 (Title 20 Text Amendment) for proposed code text amendments to Title 20 (Cultural Resources) of the Riverside Municipal Code including, but not limited to: 1) Revision of owner consent requirement for historic designation; 2) Addition of noticing requirements for the demolition of historic structures; 3) Codification of Cultural Resource Report requirement for demolition; 4) Addition of definitions for demolition and demolition by neglect; 5) Codification of the Certificate of Appropriateness application process; and 6) Revision of other non-substantive technical language and clarification, as needed.

RECOMMENDATIONS:

That the City Council:

1. Determine that Planning Case PR-2021-001145 is exempt from further California Environmental Quality Act (CEQA) review pursuant to Sections 15308 (Actions to Protect Environment), 15060(c)(2) (No Physical Change), 15060(c)(3) (Not A Project), and 15061(b)(3) (General Rule), as the proposed amendment will cause no direct or indirect change to the environment, does not meet the definition of a Project under CEQA, and it can be seen with certainty that the proposed amendment will not have an effect on the environment;
2. Approve Planning Case PR-2021-001145 (Title 20 Text Amendment) as outlined in the staff report and summarized in the Findings Section of this report; and
3. Introduce, and subsequently adopt, an Ordinance amending Title 20 (Cultural Resources) of the Riverside Municipal Code.

BACKGROUND:

At the January 23, 2024 meeting, City Council reviewed a comprehensive update to Title 20 and four policy considerations recommended by the Cultural Heritage Board. The four policy areas included the following: 1) Noticing for Administrative Review of Ministerial Projects; 2) Elimination of owner consent for historic designations; 3) Demolition Review; and 4) Preliminary Review.

Policy considerations 2, 3, and 4 included alternate text and expanded some of the proposed amendments to Title 20; therefore, requiring policy direction from Council. As part of Council discussion, it was determined that further discussion was needed regarding the policy considerations. It was moved by Councilmember Cervantes to remove proposed amendments that were similar in nature to the four policy considerations, hold a workshop before the City Council on the four policy areas, and approve the balance of the comprehensive update.

On April 23, 2024, City Council held a workshop to discuss the four policy areas and provided direction (Attachment 2 & 3). The discussion and direction are summarized as follows:

- Policy Area 1 – Noticing for Administrative Review of Ministerial Projects: City Council did not express concerns related to providing public awareness when a ministerial project is approved, provided there would be no impact to state mandated timelines and that the notification should not take additional staff time. Staff suggested the potential for a technological solution that could provide an automated notice of approval. Council directed that the notification should be implemented with an automated process, as feasible.
- Policy Area 2 – Owner Consent for Historic Designations: City Council members varied in opinions regarding the removal of owner consent, with some Council members opposed to the removal of consent due to concerns related to the impact on property owners. Other members acknowledged other jurisdictions that allow the designation process to proceed without consent but are not moved forward for final approval if the owner objects to the designation. Staff shared other agency research where at the State and Federal level of designation, nominations for designation do not require owner consent but specifies that the property will not be designated over owner objection. Following discussion, Council provided direction to revise the designation consent requirement to be in line with the State and Federal policies.
- Policy Area 3 – Demolition Review: City Council members did not express concerns related to special noticing for the demolition of historic buildings or a definition for demolition by neglect and directed staff to prepare code text amendments accordingly. The discussion related to the inclusion of a 45-year age rule for the Cultural Resources report requirement varied among Council members. Some members expressed that age does not automatically make a property historic. Other Council members expressed that including an age rule provides a rule of thumb for when a property should be reviewed for designation eligibility. City Council directed that there should be some recognition as to when a property should be reviewed for eligibility.
- Policy Area 4 – Preliminary Review: City Council discussion suggested that the intent for preliminary review could be achieved by a modification of project review timeline and that CHB should review the Certificate of Appropriateness (COA) request prior to the review of other Planning entitlements by Planning Commission. City Council directed that the code should be updated to reflect the timing of the CHB meeting should be prior to the appropriate approval body for related cases.

DISCUSSION:

Based on the direction from City Council, staff has prepared a code text amendment and reviewed current process. The proposed code text amendment covers Council direction for Policy Areas 2, 3, and 4. As the direction for Policy Area 1 was to provide an automated notice for ministerial project noticing, staff reviewed possible solutions to meet the intent of this policy. Staff is

researching the feasibility of an automated notice through our existing permitting software, however in the meantime, staff is currently developing a spreadsheet that would be available to the public on the City's Historic Preservation webpage which shows all Historic Preservation applications (administrative and CHB review) that have been submitted, to be updated on a monthly basis. The spreadsheet will identify new COA applications, those in review, and those recently approved projects. Planning staff and the City's web design team are working together to determine the best method for posting the spreadsheet online to provide most up to date information when viewed by the public.

The following provides a summary of the proposed substantive changes to Title 20, which incorporates previously proposed amendments and amendments directed by City Council. Additional details can be found in the draft ordinance (Attachment 1).

Amendment 1 – Revision of Owner Consent Requirement for Historic Designation

This amendment is associated with Policy Area 2.

Chapters:

- 20.20.020 – Revise owner consent language
- 20.20.080 – Revise language regarding Cultural Resources Overlay Zones for clarity
- 20.20.120 – Remove designation process flow chart

Existing conditions:

- Written owner consent for City Landmark and Structure of Merit designation.
- Cultural Resources Overlay Zones are applied to historical designated properties.

City Council Direction:

- Prepare code text amendment for language similar to State and Federal requirements related to owner consent.

Proposed changes:

- Revise owner consent language to be similar to State and Federal policies regarding owner consent. Owner consent is not required to submit a designation nomination, but the nomination will not continue over owner objection.
- Property owners will be notified via certified mail within 30-days of nomination submission. Staff will make multiple attempts to contact the owner through the process. Attempts to contact the property owner will be noted in the staff report, if unable to make contact.
- Relocate text related to Cultural Resources Overlay Zones from the definitions chapter
- Remove the flow designation process flow chart, which can be provided by an informational hand out.

Amendment 2 – Noticing for the Demolition of Historic Structures

This amendment is associated with Policy Area 3.

Chapters:

- 20.15.055 – Add demolition review noticing section

Existing conditions:

- CHB reviewed COAs are required for demolition of designated and eligible structures
- Notice of the public meeting is sent to property owners and occupants within 300-feet of the property at least 10 days prior to the CHB meeting.

City Council Direction:

- Prepare code text amendment to include increased noticing for the demolition of historic structures, including posting at the project site.
- No noticing for ineligible structures.

Proposed changes:

- Increase noticing timeframe for demolitions from 10 days to 30 days prior to the CHB meeting.
- Add posting of Notice of Application at the project site.
- Add exemption from noticing for the demolition of accessory structures.

Amendment 3 – Cultural Resource Report requirement for demolition

This amendment is associated with Policy Area 3.

Chapters:

- 20.25.010 – Codify Cultural Resource report requirement for properties not previously evaluated for historic designation

Existing conditions:

- All demolition permit requests are reviewed by Historic Preservation Staff.
- A Cultural Resources report is required, as necessary, to determine if the structure is eligible for designation. If found eligible for designation, a COA is required.

City Council Direction:

- Prepare code text amendment that includes recognition as to when a Cultural Resources report might be required.

Proposed changes:

- Codify existing processes and allow the Community & Economic Development Director and Historic Preservation Officer to require a cultural resources evaluation for the proposed demolition of properties, as necessary.
- To address City Council's direction language included to recognize that a report would be required when the property appears to meet designation criteria.

Amendment 4 – Demolition Definition

This amendment is associated with Policy Area 3.

Chapters:

- 20.50.010 – Add Demolition and Demolition by Neglect definition

Existing conditions:

- No definition for demolition or demolition by neglect is included.

City Council Direction:

- Prepare code text amendment that includes a definition for demolition by neglect.

Proposed Change:

- Add a definition for demolition to specify that demolition means the removal of more than 25% of the primary elevation and/or 50% of the entire structure.
- Add a definition demolition by neglect to including lack of maintenance and inadequate measures to prevent structural collapse.

Amendment 5 – Certificates of Appropriateness Application Process

This amendment is associated with Policy Area 4.

Chapters:

- 20.25.020 – Revise application process for clarity and codify current processes

Existing conditions:

- Application for a COA shall be submitted to the Planning Division but no application procedures are codified.

City Council Direction:

- Prepare code text amendment that indicates that CHB meeting for a Certificate of Appropriateness shall occur prior to the review of other entitlements by the appropriate approval authority.

Proposed changes:

- Clarify and outline the application process, mirroring the application process identified for other planning entitlements and current procedures.
- Included text language to specify that the CHB meeting shall occur prior to the meeting for other associated entitlements, such as Planning Commission.

STRATEGIC PLAN ALIGNMENT

The proposed Title 20 Text Amendment aligns with Strategic Priority No. 2 – Community Well-Being, and more specifically with Goal 2.3 – Strengthen neighborhood identities and improve community health and the physical environment through amenities and programs that foster an increased sense of community and enhanced feelings of pride and belonging citywide. In addition, the project aligns with the five Cross-Cutting Threads as follows:

1. **Community Trust** – The Title 20 update aligns with the Community Trust Cross-Cutting Thread as the amendment is reviewed at a public meeting, allowing for public comment.
2. **Equity** – The Title 20 update aligns with the Equity Cross-Cutting Thread as it applies to all historic properties throughout the City.
3. **Fiscal Responsibility** – The Title 20 update aligns with the Fiscal Responsibility as no General Funds, outside of staff time, are being used for the update.
4. **Innovation** – The Title 20 update aligns with the Innovation Cross-Cutting Thread as it incorporates new approaches to historic preservation review.
5. **Sustainability & Resiliency** – The Title 20 update aligns with the Sustainability & Resiliency Cross-Cutting Thread as it works to maintain the historic character of the City

for generations to come.

FISCAL IMPACT:

On June 21, 2023, City Council approved Resolution No. 24003 amending the City's Master Fees and Charges Schedule, which included no cost recovery associated with the review of COA and Historic Designation to encourage historic preservation efforts. The majority of the proposed amendments to Title 20 will have no additional fiscal impact as the update will clarify and streamline processes already completed by staff, which are included in the approved Community & Economic Development Department Budget. There will be a small increased cost for the printing of the Notice of Application for demolition. This cost will be absorbed by the approved Community & Economic Development Department Budget.

Prepared by:	Scott Watson, Historic Preservation Officer
Approved by:	Jennifer A. Lilley, Community & Economic Development Director
Certified as to availability of funds:	Kristie Thomas, Finance Director/Assistant Chief Financial Officer
Approved by:	Mike Futrell, City Manager
Approved as to form:	Phaedra A. Norton, City Attorney

Attachments:

1. Title 20 Amendment Ordinance
2. Title 20 City Council Workshop Staff Report - April 23, 2024
3. City Council Minutes – April 23, 2024
4. Presentation