

Title 20

CULTURAL RESOURCES

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## Chapter 20.05

### PURPOSE

#### Sections:

#### ~~20.05.010~~ Purpose.

#### Section 20.05.010 Purpose.

The purpose of this Title is to promote the public health, safety and general welfare by providing for the identification, protection, enhancement, perpetuation and use of improvements, buildings, structures, signs, objects, features, sites, places, areas, districts, neighborhoods, streets, works of art, natural features and significant permanent landscaping having special historical, archaeological, cultural, architectural, community, aesthetic or artistic value in the City for the following reasons:

- A. To safeguard the City's heritage as embodied and reflected in such resources;
- B. To encourage public knowledge, understanding and appreciation of the City's past;
- C. To foster civic and neighborhood pride and a sense of identity based on the recognition and use of cultural resources;
- D. To promote the enjoyment and use of cultural resources appropriate for the education and recreation of the people of the City;
- E. To preserve diverse and harmonious architectural styles and design preferences reflecting phases of the City's history and to encourage complementary contemporary design and construction;
- F. To enhance property values and to increase economic and financial benefits to the City and its inhabitants;
- G. To protect and enhance the City's attraction to tourists and visitors, thereby stimulating business and industry;
- H. To identify as early as possible and resolve conflicts between the preservation of cultural resources and alternative land uses;
- I. To integrate the preservation of cultural resources and the extraction of relevant data from such resources into public and private land management and development processes;
- J. To conserve valuable material and energy resources by ongoing use and maintenance of the existing built environment.
- K. To implement the City's General Plan.
- L. To work in concert with the City's Zoning Code. ~~And/or~~
- M. To establish procedures relating to the California Environmental Quality Review Act (CEQA) and Section 106 of the National Historic Preservation Act (NHPA) compliance.

(Ord. 7108 §1, 2010; Ord. 6263 §1 (part), 1996)

## Chapter 20.10

### AUTHORITY AND RESPONSIBILITIES

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#### 20.10.020 Powers and duties of Board.

A. The Cultural Heritage Board shall:

1. Make recommendations to the City Council regarding surveys of cultural resources within the City, in conformance with State Office of Historic Preservation survey standards and guidelines;
2. Recommend to the City Council the designation of Landmarks, Historic Districts, Structures or Resources of Merit, and any additional matters pursuant to the provisions of this title;
3. Have discretionary authority to review and approve applications and actions to alter, relocate or demolish cultural resources pursuant to the provisions of this title;
4. Hear appeals from the Historic Preservation Officer or Qualified Designee's determinations on Administrative Certificates of Appropriateness or the Historic Preservation Fund Committee's recommendations;
5. Accept referrals from the Historic Preservation Officer or Qualified Designee;
6. Hear appeals taken from formal interpretations made by the Historic Preservation Officer or Qualified Designee;
7. Hear appeals from the Historic Preservation Fund Committee's recommendations;
8. Adopt standards including preservation guidelines to be used by ~~the Board~~[decisionmakers](#) in reviewing applications for permits to preserve, alter, relocate or demolish any cultural resource;
9. Work for the continuing education of the citizens of Riverside about the heritage of the City and its cultural resources;
10. At the direction of the City Council, seek means and resources to protect, retain and preserve cultural resources, such as suggesting legislation and seeking financial support from individuals and local, state and federal governments;
11. Consult with and advise the City Council about the Board's duties and functions;
12. Assume the responsibilities and duties assigned to it by the City Council under the Certified Local Government Provisions of the National Historic Preservation Act of 1966; such as National Environmental Protection Act ("NEPA") and California Environmental Quality Act ("CEQA") compliance;
13. As part of the Board's CEQA review responsibilities, the Board shall identify and advise appropriate City departments and governmental entities of known historical, cultural and archaeological resources; assess and advise the City Council whether any proposed project would have an adverse effect on the significance of such Cultural Resources; and recommend to the City Council appropriate action in compliance with the City's adopted CEQA procedures; and
14. Encourage public participation in the Cultural Resources program to identify and inventory significant cultural resources in the City;

B. The Cultural Heritage Board may:

1. Recommend zoning and general plan amendments for cultural resources preservation;
2. Conduct an awards program to recognize and encourage public participation in Cultural Resource efforts; and
3. Nominate eligible City-owned cultural resources to the National Register of Historic Places, and encourage, advise, and guide persons in nominating cultural resources to the National Register of Historic Places.

(Ord. 7206 §1, 2013; Ord. 7108 §1, 2010; Ord. 6765 §1; 2004, Ord. 6566 §1, 2001; Ord. 6263 §1 (part), 1996)



**20.10.030 Historic Preservation Officer.**

The Historic Preservation Officer or Qualified Designee, in concert with or at the direction of the Community & Economic Development Director, shall:

- A. Provide professional support to the Board.
- B. Administer the Cultural Resources program;
- C. Manage the Boards Certificate of Appropriateness process;
- D. Execute the Administrative Certificate of Appropriateness process;
- E. Coordinate the activities with Riverside County, the State of California, and the federal government;
- F. Compile and maintain a current inventory of all designated Cultural Resources and maintain a database of other properties as appropriate.
- G. Advise the City Council on -historic preservation easements, transfer of development rights, property tax incentives, or other Cultural Resource preservation mechanisms;
- H. Assist and support the Board in meeting Certified Local Government requirements; and
- I. Establish criteria for and provide a continuing comprehensive survey of Cultural Resources within the City, conforming with State Office of Historic Preservation Survey Standards and guidelines, and to publicize and periodically update the survey results.
- J. Determine when Cultural Resource reports for specific projects are required for this Title and/or CEQA.

(Ord. 7206 §2, 2013; Ord. 7108 §1, 2010)

Chapter 20.15

APPROVALS AND HEARINGS

Sections:

- 20.15.010 Approval Authority – Table.
- 20.15.020 California Environmental Quality Act (CEQA) Approval.
- 20.15.030 Public Hearing and Notice.
- 20.15.040 Meeting and Notice for Certificates of Appropriateness by Board.
- 20.15.040 Meeting and Notice for Certificates of Appropriateness by Board.
- 20.15.050 Meeting and Notice for Administrative Certificates of Appropriateness.
- 20.15.060 Meeting and Notice for Mills Act Applications.
- 20.15.070 Meeting and Notice for Structure Relocations.
- 20.15.080 Meeting and Notice for Cultural Resource Surveys.
- 20.15.085 Meeting and Notice for Historic Preservation Fund Committee.
- 20.15.090 Appeals.
- 20.15.100 Effective Date.
- 20.15.120 Time Extensions.
- 20.15.130 Approvals to Run with Land.
- 20.15.140 Approval(s) On Site During Construction.

Section 20.15.010 Approval Authority.

Table 20.15.010 Approving and Appeal Authority							
Type of Permit or Action	Approving and Appeal Authority						
	City Historic Preservation Officer (HPO)	Historic Preservation Fund Committee (HPFC)	City Cultural Heritage Board		City Council Consent  (1, 2)	City Council Discussion  (1)	City Council Public Hearing  (1, 2)
<b>Administrative Discretionary Permits/Actions (No Public Hearing Required)</b>							
Administrative Certificate of Appropriateness	F		A/AR/F			A/F	
<b>Discretionary Permits and Actions (Public Meeting or Hearing Required)</b>							
Board Certificate of Appropriateness			F (2)			A/F	
HPFC – Grant Application		F	A/F			A/F	
<b>Legislative Actions (Public Hearing Required)</b>							
Mills Act Application					F		
Designation of a Structure or Resource of Merit			R				A/F
Designation of a Landmark			R				A/F
Designation of an Historic District			R				A/F
R = Recommending Authority; F = Final Approving Authority (unless appealable); A = Appeal Authority; AR = Approving Authority as HPO on Referral;							

**Table 20.15.010  
Approving and Appeal Authority**

Type of Permit or Action	Approving and Appeal Authority						
	City Historic Preservation Officer (HPO)	Historic Preservation Fund Committee (HPFC)	City Cultural Heritage Board		City Council Consent	City Council Discussion	City Council Public Hearing
Notes:							
<p>(1) Decisions of the City Council are final and cannot be appealed.</p> <p>(2) An item pulled from the City Council Consent Calendar which was originally heard at a public hearing will need to be re-advertised for a public hearing prior to being heard, otherwise it will be a discussion item.</p> <p><del>(3) The Cultural Heritage Board is the final authority unless an EIR is being processed, in which case the final authority is City Council.</del></p>							

(Ord. 7108 §1, 2010; Ord. 7042 §1, 2009; Ord. 6786 §9, 2005; Ord. 6263 §1 (part), 1996)

**20.15.020 California Environmental Quality Act (CEQA) ~~-and Projects Requiring Multiple Approvals~~ Approval.**

A. CEQA review. When the City is acting as lead agency for purpose of CEQA, the HPO and Board shall consider and determine the adequacy of CEQA review as it relates to Cultural Resources only when acting on any discretionary approval under this Title. This includes any level of CEQA review, including but not limited to an Environmental Impact Report (EIR), Negative Declaration (ND), Mitigated Negative Declaration (MND), exemption, or other form of CEQA clearance. The following shall applyRequired:

- ~~1. If an EIR is prepared for any Certificate of Appropriateness, designation, modification, or de-designation, or other action under this Title, final approval of that action is with the City Council.~~
- ~~2. In such cases, the Board shall review the Draft EIR, as it relates to cultural resources, and provide comments thereon, together with its recommendation that the project be approved or denied.~~
- ~~3. The City Council shall consider the Board's comments and recommendation, and may accept, accept with modification, or decline the Board's recommendation.~~

~~B. Environmental Impact Report (EIR) Not Required~~

~~1. If an EIR is not prepared, and a Negative Declaration (ND) or Mitigated Negative Declaration (MND) is prepared, the following shall apply:~~

~~a. Board Final Approval Authority:~~

- ~~i. The Board may adopt the ND or MND, CEQA clearance and approve, approve with modification, or deny the project.~~
- ~~ii. If the Board's decision is not timely appealed or referred, then the decision becomes final.~~
- ~~iii.1. If the decision is timely appealed or referred, it becomes final upon the City Council's disposition of the appeal, which will be held de novo.~~

~~b. Board Recommending Authority: City Council Final Approval Authority~~

- ~~i. When acting as a Recommending Authority, Tthe Board shall review the Draft ND or MND CEQA clearance, as it relates to Cultural Resources only, and provide comments, together with its recommendation that the project be approved, approved with modifications, or denied.~~
- ~~2. The City Council shall consider the Board's comments and recommendation, and may accept, accept with modification, or decline the Board's recommendation.~~

~~3. CEQA Appeals. To the extent this Title authorizes a non-elected decisionmaker to take action on the~~

adequacy of the CEQA review, said action shall be appealable to the City Council consistent with Pub. Res. Code § 21151(c) provided that: (1) all administrative appeals were exhausted; (2) appeal is filed within ten (10) days of the decision becoming final; and (3) the appeal is filed in a form and manner required by the Planning Division.

ii.B. Multiple Approvals. If a project requires multiple discretionary approvals, those required under Title 20 shall occur prior to all others including but not limited to those required under Title 19 (e.g., conditional use permits, variances, zone changes, etc.). The HPO or Board shall act on those approvals authorized under Title 20 prior to further processing as necessary under the Code. Nothing herein shall limit the City's ability to schedule joint hearings of the Cultural Heritage Board and other decisionmaking bodies (e.g., Planning Commission). This subsection does not create any additional appeal or level of appeal in connection with any land use approval, nor does it limit or expand who may file an appeal as identified in each discretionary land use application process.

(Ord. 7206 §3, 2013; Ord. 7108 §1, 2010; Ord. 6263 §1 (part), 1996)

**Section 20.15.030 Public Hearing and Notice.**

- A. All designations, modifications of designations, and/or de-designations require a public hearing ("Hearing").
- B. All recognitions and derecognitions require a Public Hearing
- C. Upon the filing of a complete application, a matter shall be set for hearing before the Board within ninety (90) days. The Board may continue a Hearing.
- D. Notice of Hearing.
  - 1. Notice of the hearing shall be mailed or delivered at least ten (10) days prior to the Hearing to:
    - a. The owner of the subject real property or the owner's duly authorized agent, and the project applicant; and
    - b. All owners and occupants of real property on the latest records of the County Assessor within 300 feet of the real property. If the number of owners to whom notice would be mailed or delivered is greater than 1,000, the City may, in lieu of mailing or delivering the notice, provide notice by placing an advertisement of a least one-eighth page in at least one newspaper of general circulation within the City at least ten (10) days prior to the hearing.
    - b.c. Any person or entity that has filed a request for notice to either the Historic Preservation Officer or Qualified Designee or CCED. To the extent permitted under state and local law, the City may use electronic mail as a means to providing notice. The City may require requests for notices to be annually renewed.
  - 2. The notice shall be published in at least one newspaper of general circulation within the City at least ten (10) days prior to the Hearing.
  - 3. Neither failure to send any notice by mail to any property owner whose address is not a matter of public record, nor the non-receipt of any notice mailed pursuant to this chapter, shall invalidate that Hearing or any part of the proposed designation.

(Ord. 7206 §4, 2013; Ord. 7108 §1, 2010)

**Section 20.15.040 Meeting and Notice for Certificates of Appropriateness by Board.**

- A. ~~No p~~Public hearings are required. The application shall be set as a discussion calendar item for the Board meeting.
- B. Upon the filing or referral of a complete application, a matter shall be set for a Board meeting within ninety (90) days. The Board may continue a matter as it deems appropriate.
- C. Notice shall be given to: (a) the property owner; (b) all owners and occupants of real property abutting, adjacent, across a street or alley, and within 300 feet of the subject property; (c) Ward Office representing



the site; and (d) and to the owners of adjacent properties or those across a street or alley any other interested person or person requesting notice. To the extent permitted under state and local law, the City may use electronic mail as a means to providing notice.

- D. If a Board Certificate of Appropriateness is referred to the Board by the City Council, failure of the Board to report to the City Council within 90 days, or within the time specified by the City Council, shall be deemed as an approval by the Board.

(Ord. 7108 §1, 2010)

**20.15.050 - Meeting and notice for Administrative Certificates of Appropriateness and other Quasi-Adjudicatory Actions.**

- A. No public hearings are required. The application for an Administrative Certificates of Appropriateness and other quasi-adjudicatory actions (e.g., demolition permits) shall be considered by the Historic Preservation Officer or Qualified Designee administratively.
- B. Within 60 days, the Historic Preservation Officer or Qualified Designee must act upon a complete application or refer the application to the Board.
- C. ~~Except as otherwise provided in this title, n~~Notice shall be given to: (a) the property owner; (b) and to the owners and occupants of adjacent real property abutting, adjacent, across a street or alley, and within 300 feet of the subject property; (c) the Board; (d) the Ward Office representing the site; properties or those across a street or alley (e) any other interested person or person requesting notice; and (f) conspicuously posted on the City's website during any applicable appeal period. To the extent permitted under state and local law, the City may use electronic mail as a means to providing notice.

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**Section 20.15.090 Appeals and Referrals.**

A. Appeals

1. Administrative Action

a. Any person aggrieved or affected by an Administrative Certificate of Appropriateness, demolition review, or other quasi-adjudicatory decision may appeal that decision to the Board within ten days of the Historic Preservation Officer or Qualified Designee's decision. For quasi-adjudicatory actions, the appeal deadline shall start the following day after notice has been given pursuant to section 20.15.050.

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- b. The appeal must be made by filing a letter of appeal with the Planning Division and shall be accompanied by a filing fee as established by City Council resolution.
- c. If the tenth day is on a weekend or holiday the appeal is extended to the end of the next regular business day
- d. The letter shall set forth the grounds for the appeal.
- e. To the extent feasible, The appeal shall be scheduled on a Board meeting date mutually agreed upon by the person filing the appeal, the applicant and the City.
- f. The Board may recommend affirming, reverse or modify the underlying Historic Preservation Officer or Qualified Designee's decision to the City Council.
- g. Board decisions are final unless timely appealed or referred to City Council.
- h. For appeal of Administrative actions, notice of the time and place of the Cultural Heritage Board meeting shall be sent to the Applicant and Appellant, and as set forth in this Title

2. Board Action

- a. Any person affected by the Board action may appeal to the City Council within ten calendar days after the date of the Board's decision.
- b. The appeal must be made by filing a letter of appeal with the Planning Division and shall be accompanied by a filing fee as established by City Council resolution.
- c. If the tenth day is on a weekend or holiday the appeal is extended to the end of the next regular business day.
- d. The letter shall set forth the grounds for the appeal.
- e. The appeal shall first on a City Council meeting date mutually agreed upon by the person filing the appeal, the applicant and the City.
- f. City Council decisions are final.
- g. For appeals of Cultural Heritage Board actions, notice of the time and place of the City Council meeting shall be the same as for the original action

B. Referral of [Historic Preservation Officer and](#) Board actions.

1. [HPO Actions: Any member of the Cultural Heritage Board may refer any action taken by the Historic Preservation Officer or Qualified Designee's decision or other person acting on its behalf for consideration on the Board's discussion calendar agenda by notifying the Historic Preservation Officer and Community & Economic Development Director. If not referred or otherwise appealed within ten days of the HPO action, the action of the HPO is final.](#)

~~1. Board Actions:~~ The Mayor or any member of the City Council may refer [any action taken by the Cultural Heritage Board](#) ~~the matter~~ for consideration on the City Council's discussion calendar agenda by notifying the Community & Economic Development Director.

2. If not referred by the Mayor or City Council, or otherwise appealed within ten days of the Board action, the action of the Board is final.

(Ord. 7206 §8, 2013; Ord. 7108 §1, 2010)

**20.15.100 - Effective date.**

A. Certificates of Appropriateness, [demolition review, and other quasi-adjudicatory decision](#) shall be effective the first regular business day after the end of the ~~ten-day~~[ten-day](#) appeal period. Filing of an appeal [or referral](#) stays the effective date pending action on the appeal.

B. Designation, modification, and dedesignation shall be effective on the next City business day following City Council action.

(Ord. 7108 §1, 2010)

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**Chapter 20.20**

**DESIGNATION**

**Sections:**

- 20.20.010** Designation Criteria.
- 20.20.020** Designation Application.
- 20.20.030** Factual Investigation.
- 20.20.040** Board Recommendation.
- 20.20.050** City Council; Resolution.
- 20.20.060** Notice of City Council Action.
- 20.20.070** Recording Resolutions.
- 20.20.080** Overlay Zone.
- 20.20.090** Landmark Plaques and Covenants.
- 20.20.100** De-designation.
- 20.20.110** Appeal.

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**20.20.020 Designation application.**

The Board, City Council, or any person may apply for the designation, modification, or dedesignation of a landmark, structure or resource of merit, Historic District, or modification or dedesignation of Neighborhood Conservation Area status. Applications for designation, modification, or dedesignation shall be on forms provided by the Planning Division.

~~No structure may be designated as a landmark or a structure or resource of merit, nor may any designation be modified or repealed (dedesignated), without the prior written consent of the owner.~~

The City no longer allows designation of Neighborhood Conservation Areas.

(Ord. 7108 §1, 2010; Ord. 6263 §1 (part), 1996)

**Section 20.20.080 Overlay Zone.**

- A. Pursuant to Title 19, upon any Designation, the Cultural Resources Overlay Zone applies to the subject property or parcel.
- B. Upon adoption of a historic district resolution by the City Council, the Planning Division shall initiate a rezoning case to apply the CR-Cultural resources overlay zone to the properties within the district. This process shall follow the requirements outlined in Title 19.

(Ord. 7108 §1, 2010; Ord. 6263 § 1 (part), 1996)

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## Chapter 20.22

### DEMOLITION REVIEW

#### Sections:

<u>20.22.010</u>	<u>Title.</u>
<u>20.22.020</u>	<u>Purpose and Intent.</u>
<u>20.22.030</u>	<u>Applicability.</u>
<u>20.22.040</u>	<u>Definitions.</u>
<u>20.22.050</u>	<u>Demolition Permit Application</u>
<u>20.22.060</u>	<u>Notice of Intent to Demolish Requirement.</u>
<u>20.22.070</u>	<u>Demolition Permit Review.</u>
<u>20.22.080</u>	<u>Mitigation Measures and Conditions of Approval.</u>
<u>20.22.090.</u>	<u>Exceptions.</u>

#### 20.22.010: Title.

The ordinances codified in this chapter shall be collectively known as the Demolition Review Ordinance.

#### 20.22.020: Purpose and Intent.

This chapter provides for discretionary review and approval of the proposed demolition of certain building, structure, or object in order to protect against the inadvertent destruction of buildings, structures, or objects of historic, architectural or cultural importance. The City Council finds that historically significant structures and resources situated within the City constitute a cultural treasure for the entire community to enjoy, and that the preservation of these structures will promote the general welfare by maintaining an invaluable link to the City's rich and distinguished past. The City's permit procedures for demolishing structures therefore recognize that the City's historic structures should be preserved and, that if a structure is approved for demolition, mitigation measures and conditions should be considered and imposed prior to the demolition, such as providing the opportunity for persons to rescue potentially historic structures from destruction by purchasing the structure's site, relocating the structure, or otherwise preserving for posterity the historic and cultural significance of the structure.

#### 20.22.030: Applicability.

This chapter shall apply citywide to any building, structure, or object for which an application for a demolition permit is made. No building, structure, or object shall be demolished until a demolition permit is issued in accordance with this chapter.

#### 20.22.040: Definitions.

In addition to the terms and definitions prescribed in Title 20 (i.e., section 20.50.010), the following terms are defined below. Any conflict in definitions and meaning shall be construed to afford the most protection of cultural resources and informed decisionmaking.

- A. CEQA means the California Environmental Quality Act, contained in California Public Resources Code Section 21000, et seq., and Title 14 of the California Code of Regulations ("CEQA Guidelines") as they both now exist or may hereafter be amended.
- B. Demolition means the destruction, removal, or relocation of a structure not classified as an incidental structure. For purposes of this Chapter, demolition occurs when any of the following takes place at any time over a 5-year period: (a) more than 50 percent of the exterior wall elements are removed; (b) more than 25 percent of the exterior wall(s) (including exterior cladding) facing a public street(s) is removed; (c)

enclosure or alteration (i.e., new window, window relocation, exterior cladding) of more than 25 percent of the exterior wall(s) facing a public street; (d) the removal of a building for relocation to another location is considered a demolition and subject to this Chapter in addition to other requirements of the Code (see e.g., RMC §§ 20.15.070, 16.20 et seq.).

- C. Demolition by neglect means the process in which the owner of a resource, or designee, allows its ongoing deterioration of a resource over a period of time as a result of lack of maintenance, failure to protect the resource from pests or vandals, and/or failure to take reasonable measures to prevent ingress of water or wind through the roof, walls, or apertures of the resource, leading to deterioration and/or structural failure that results in complete or partial demolition, the loss of character-defining features, and/or that constitutes a threat to public health and safety.
- D. Potential Historic Resource means a resource that: (1) is not a Designated or Eligible Cultural Resource; and either (2a) determined to be a historic resource per CEQA (see e.g., Pub. Res. Code § 21084.1; CEQA Guidelines § 15064.5); or (2b) is a structure at least forty-five (45) years or older from the date of demolition application.

#### **20.22.050: Demolition Permit Application.**

An application for a demolition permit shall:

- A. Be completed by the owner of the structure proposed for demolition, or the owner's authorized representative, and submitted to the Development Services Department with payment of all applicable fees. Concurrent with the filing of an application for a demolition permit, if the Director determines the application is not exempt under CEQA, application shall also be made for any required environmental review pursuant to CEQA.
- B. The application shall identify the structure to be demolished by providing a description of the structure, its address, legal description and Tax Assessor's parcel number.
- C. The applicant shall specify whether the structure is listed as a historic or cultural resource or has been determined to have historical significance, by any Federal, State, regional or local listing or designation, or as that term is defined in this chapter.
- D. The application shall specify the date that construction of the structure was completed, and include documentation verifying that date to the satisfaction of the City. If documentation is unavailable to reasonably establish the date of completed construction, the applicant shall write "age of structure unknown no documentation available" on the permit application.
- E. To avoid piecemeal review caused by individual projects for which permits are sought and also to the cumulative sum of related or successive permits which are part of a larger project, the application shall specify all permits sought within the prior five years of the demolition application, the proposed replacement structure and/or future project, and all other required discretionary applications sought after, including but not limited to Certificate of Appropriateness, conditional use permit, variances, zone change, general plan amendment, density bonus. Additionally, the application shall include a sworn statement by the applicant and/or property owner as to the accuracy of the information contained in the application for demolition.
- F. And any other information which the Historic Preservation Officer (or Qualified Designee) or Community & Economic Development Director deems necessary to accurately describe the scope of the demolition or alteration proposed, such as:
1. Photographs of each exterior side of the structure to be demolished or altered;
  2. Drawings for conceptual review of any alteration;

3. Material samples and/or manufacturer's brochures which show and describe the materials to be used in the alteration;
4. A site plan showing the location of the proposed demolition or alteration;
5. If signage is part of the proposed demolition or alteration, drawings showing the specifications for the signage and demonstrating conformance to the City's sign ordinance or approved sign program; and
6. Any other information which the HPO deems necessary to accurately describe the scope of the demolition or alteration proposed.
7. Historical data for the building to be demolished or altered, including building permit history, identification of the architect or designer, identification of the builder/contractor, and former owners of the property;
8. An analysis of the historical integrity of the building, identifying any additions, previous demolition or alteration work, modifications to the exterior materials or architectural details, or any other modifications to the original building;
9. A written description of any items, materials or objects to be salvaged, reused, or recycled;
10. Schematic plans and elevations of any new construction that is proposed to replace the demolished or altered building, or portion thereof to be demolished or altered; and
11. A statement of justification for demolition or alteration of all or a portion of the building.

**20.22.060: Notice of Intent to Demolish Requirement.**

In addition to other notice required by the Code, The City shall not issue a demolition permit subject to this Chapter without having first provided the following required notice and taken the following required actions at least 30 days prior to issuance of the demolition of building or structure permit:

- A. **Mailed:** Notice of a complete demolition permit application shall be mailed or delivered to: (a) all owners and occupants of real property abutting, adjacent, across a street or alley, and within 300 feet of the subject property; (b) Ward Office representing the site; (c) the Board; and (d) any other interested person or person requesting notice. To the extent permitted under state and local law, the City may use electronic mail as a means to providing notice.
- B. **Posting:** The applicant shall post a placard on the property where the demolition will occur, in a conspicuous, visible place, within 5 feet of the front property line, describing the date of the application for demolition with the following standards:
  1. The placard shall be a minimum 11" x 17" in size and mounted at a minimum of four feet above the ground.
  2. The placard shall have black letters on contrasting background white or color paper.
  3. The placard shall have major block-style letters a minimum 2-1/2 inches in height and shall state: "NOTICE OF DEMOLITION". Minor letters 1-1/2 inches in height shall specify the permit number, phone number and email to be called for information, means to submit comments, and applicable public hearing information.
  4. The placard material shall be made of durable, laminated or other weather resistant material.

5. The Historic Preservation Officer (or Qualified Designee) or Community & Economic Development Director shall verify the placement of the placard prior to commencement of the demolition work.

## **20.22.070 Demolition Permit Review.**

### **A. Applicability.**

1. **Board Review Requiring Public Hearing.** The Board shall review demolition permit applications involving Designated and Eligible Cultural Resources, Contributor and Contributing Features of Historic Districts and Neighborhood Conservation Areas, and Points of Cultural Interest as those terms are defined in this Title. This review shall be subject to a public hearing.
2. **HPO Review Not Requiring Public Hearing.** The Historic Preservation Officer shall review demolition permit applications involving Non-Contributors and Non-Contributing Features of Historic Districts and Neighborhood Conservation Areas, buildings or structures at least 45 years of age or older (as of the date of application), and Potential Historic Resources as those terms are defined in this Title and Chapter. This review is not subject to a mandatory public but, at its sole discretion, the HPO may refer any demolition review for Board consideration that requires a public hearing.

The above review shall include the demolition permit application, environmental review documents that may be required pursuant to CEQA, additional information or materials submitted by the applicant as required by the Code, and any information or materials submitted by members of the public prior to rendering a decision to approve or disapprove a demolition clearance application.

### **B. Procedure.**

1. **HPO Analysis.** Upon receipt of a completed application, the Historic Preservation Officer shall review and prepare a report regarding recommendations and analysis of the proposed demolition's conformance with this Chapter, Title 20, and the findings/criteria established in subsection (3) below based on the evidence presented in the administrative record. For demolitions reviews not requiring a public hearing, this report shall serve as Historic Preservation Officer's letter of determination to approve, modify, or refer for Board's consideration the demolition application.
2. **Board Hearings.** For demolitions reviews requiring a public hearing, the Historic Preservation Officer report shall be forwarded to the Board for its consideration along with any evidence or testimony offered at the public meeting and shall evaluate the application and make findings with reference to the criteria set forth in subsection (3) below. The Board may approve, approve the application with modifications, or deny the application.
3. **Findings & Criteria:** The decisionmaking body shall determine the potential significance of the structure and the need for any further environmental review, and make its own determinations whether the structure is culturally/historically significant and/or subject to further environmental review under CEQA based on the following criteria:
  - i. Whether the subject property could meet any of the criteria pursuant to national, state, or local criteria for designation as a cultural or historic resource and that an adverse determination is not due to demolition by neglect or unpermitted work;
  - ii. Whether the demolition is limited to removing inappropriate alterations of the past;
  - iii. Whether Relocation as an alternative to demolition of the subject property is appropriate because of one or all of the following: (1) adequate CEQA analysis demonstrating that no feasible alternative exists that would avoid a significant adverse impact on the resource; (2) relocation is required to prevent destruction of the resource at its current location; (3) the new location is compatible with the cultural resource's original character and use; (4) upon

relocation, the resource retains its historic features and compatibility in orientation, setting, and general environment; (5) if relocated within the city, the receiving location is appropriately zoned; and/or (6) the relocation is part of a definitive series of actions that will assure preservation of the cultural resource;

- iv. Whether demolition of the subject property is appropriate because of one or all of the following: (a) adequate CEQA analysis demonstrating that no feasible alternative exists that would avoid a significant adverse impact on the resource; (b) withholding demolition permit would amount to undue hardship to the owner per this Chapter; (c) the size, massing and scale of the replacement structure is harmonious with other improvements and natural features that contribute to the historic district, or the neighborhood character; (d) the replacement structure contributes to the integrity of the historic district or neighborhood; and/or (e) in light of the Statement of Overriding Considerations prepared pursuant to CEQA.
- v. Whether the demolition has been appropriately condition to avoid a significant adverse impact on any cultural/historic resource.
- vi. Photo verification that the property has been posted with a notice of intent to demolish pursuant to section 20.22.060 above.
- vii. Other relevant factors deemed appropriate.

#### **4. Determinations & Actions.**

If the decisionmaking body determines that the structure has no cultural/historical significance and/or demolition will not result in an adverse impact on any cultural/historic resource, it may approve or conditionally approve the demolition permit application and any other discretionary approvals within its authority (e.g., certificate of appropriateness). The application shall be exempt from further review by the City under this Chapter unless timely appealed or referred pursuant to subsection (5) below. If no appeal or referral is timely made pursuant to this Chapter, the Community Development Department Director shall thereafter issue the demolition permit in accordance with the review determination.

If the decisionmaking body determines that the structure has cultural/historical significance and/or demolition may result in an adverse impact on any cultural/historic resource, it may deny the application or continue the matter for 60 days until the appropriate environmental review has been conducted for subsequent consideration to approve, condition or deny the application. The decisionmaking body may also direct/authorize the processing of an application to designate the subject property pursuant to the Code, which shall automatically stay the demolition permit application for a period of up to one-hundred twenty (120) days to allow time for processing the designation application. The HPO or CCED may extend the stay of the permit for one additional sixty (60) day period pending a decision. Nothing herein shall prevent the City and property owner to mutually extend timelines.

#### **5. Appeals**

HPO and Board actions shall be appealable and/or referable in accordance with procedures and requirements outlined in Chapter 20.15.

#### **6. Stay of Issuance of Demolition Permit.**

The demolition permit shall not be issued for a period of ten days after the last day to file an appeal/referral or final action by the City Council (whichever is later) to allow for filing of a judicial appeal.

#### **20.22.080 Mitigation Measures and Conditions of Approval**



Whenever appropriate, the City shall identify potentially feasible measures to mitigate significant adverse changes in the significance of a cultural/historical resource. The City shall ensure that any adopted mitigation measures are fully enforceable through permit conditions, agreements or other measures. In addition to any mitigation measures that might be imposed pursuant to the authority of CEQA, the City shall have the right to reasonably condition the issuance of a demolition permit to further the goals of this chapter and to protect the public health, safety and welfare interests of its citizens. In rendering any decision under this chapter, the City recognizes that a project which is mitigated or conditioned to follow applicable federal, state, and/or local standards and guidelines. Appropriate mitigation measures or conditions of approval may include but not limited to:

1. *Documentation.* If a demolition permit is approved, the applicant may be required to memorialize the resource proposed for demolition in compliance with the standards of the Historic American Building Survey. The documentation may include an archaeological survey, floor plans, measured drawings, photographs, or other documentation specified by the review authority. When appropriate, the review authority may require that a memorialization of the resource be incorporated into the proposed redevelopment of the site including the following: (a) Book or pamphlet; (b) Photographic display; (c) Small Museum or exhibit; (d) Use of original fixtures; and (e) other methods deemed appropriate by the review authority.
2. *Demolition Permit Issuance Contingent upon Entitlement and Permits for Replacement Building.* A demolition permit shall not be issued for the destruction of a cultural resource (designated or eligible) or contributor to a Historic District or NCA unless a building permit and all necessary discretionary entitlements, including, but not limited to, certificate of appropriateness, design review, conditional use permits, map applications, public hearings, CEQA clearance, and any other discretionary entitlements that may be necessary for construction of a replacement project. Said building permits and discretionary entitlements shall first be issued for the replacement project on the current location, prior to the demolition permit being effective.
3. In the case of an approved demolition and/or relocation: (a) all CEQA documentation has been reviewed and approved by the appropriate review authority; (b) any Mills Act contract formerly existing on the property shall no longer be in force, pursuant to the cancellation terms in the contract; and/or (c) the owner repays to the City any preservation grants or loans the owner previously accepted from the city as incentives to help preserve the resource;
4. Any other conditions the HPO/Board deems appropriate on a case-by-case basis.

If a demolition permit application is conditioned by the imposition of a delay of its issuance, the City shall reasonably cooperate with the applicant and the owner of the structure for the purposes of saving the structure through purchase of the property, relocating the structure, or by any other means to rescue the structure from demolition, in the shortest time possible. The City shall make every reasonable effort to provide for the preservation of the structure, but nothing in this chapter shall require the City to purchase, relocate or otherwise expend City funds in connection with the efforts to save the structure

#### **20.22.090: Exceptions.**

Exceptions to this Chapter may be appropriate when:

1. **Dangerous Buildings:** Nothing in this chapter shall prevent the alteration, repair or demolition of any structure to remedy a condition determined dangerous to the general public in accordance with Title 20 and the Code, provided that HPO has been given adequate notice (see RMC § 20.25.010).
2. **Court Order:** The demolition or alteration of a cultural/historic resource or contributing resource's features that has been ordered by final court ruling, administrative order, or similar decision to abate a public nuisance or otherwise correct a violation of Federal, State or local law occurring in or on the site.
3. **Hardship.** When the demolition of a cultural/historic resource would amount to an undue hardship when all of the following findings are made in a positive manner:

- a. The cultural resource cannot be remodeled, rehabilitated or re-used in a manner which would allow a reasonable use and/or reasonable rate of return.
- b. Denial of the application will diminish the value of the subject property so as to leave substantially no value;
- c. The applicant demonstrated that all means involving city-sponsored incentives (e.g., financial assistance, grants, loans, reimbursements, tax abatements, and changes in the Zoning Map or Zoning Ordinance), as well as the possibility of a change of use or adaptive reuse in compliance with Code have been explored to relieve possible economic hardship, and further, that all other means for alleviating economic hardship, including state or federal tax credits, grants to subsidize the preservation of the property, have been exhausted and have failed to alleviate the hardship.

In making the above findings, the City shall consider the following interpretations:

**Justifiable Hardships.** Building code violations are not in and of themselves justifiable hardships but may be taken into consideration in determining the propriety of approving a request for demolition. However, personal, family or financial difficulties, loss of prospective profits, failure to maximize profits, are not justifiable hardship. Allowing a historic property or cultural resource to fall into disrepair or other self-induced hardships are not justification for why it is not economically feasible to restore a cultural resource

**Reasonable Rate of Return.** In determining reasonable rate of return, the decisionmaker shall not consider debt service arising from the acquisition of properties, or any increase in debt service resulting from the refinancing of properties listed on the city's Historic Resources Inventory occurring after the date the property was listed on the City's Historic Resources Inventory. For any properties not included in the Inventory, the decisionmaker shall not consider debt service resulting from the acquisition, or any increase in debt service resulting from the refinancing, of properties once the properties are nominated as cultural resources.

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## Chapter 20.23

### PRELIMINARY CONSULTATION

#### Sections:

#### 20.23.010 Purpose and Intent.

#### 20.23.020 Applicability.

#### 20.23.010 Purpose and Intent.

The early consultation is established to provide a means of reviewing development projects to ensure that these projects are compatible with applicable rules and guidelines affecting cultural resources and Title 20, including architectural design, massing and scale, context, color palette, signage and landscaping. Early consultation serves the City and applicant in identifying key issues, concerns, and objective early in the planning/entitlement process, including but not limited to:

1. Achieve better projects through early consultation between City staff and applicants;
2. Coordinate reviews of projects among City staff and City departments;
3. Familiarize applicants for the projects with the regulations and procedures that apply to the projects;
4. Avoid significant investment in the design of a project without preliminary - directions from City staff;
5. Identify issues that may arise during review of the projects (e.g., conformance with any applicable design guidelines, conformance with the goals, policies, and objectives of the Title 20 and the purpose and intent of any applicable specific plan, environmental requirements and possible recommended mitigation measures, possible recommended conditions of approval, requirements for public improvements, and possible concerns from adjoining neighborhoods);
6. Provide opportunities for discussion about the projects and an exchange of information on potential issues between City staff and the applicants for the projects; and
7. Inform the Council and the public of proposed development projects defined in the administrative guidelines to be of communitywide significance, by presenting the predevelopment plan review report at a Council meeting. This presentation shall only be for the purpose of informing the Council and the public of a proposed project, and not for the purpose of discussing the merits of the proposed project.

#### 20.23.020 Applicability.

All projects subject to Title 20 are required to seek early consultation from either the HPO or Board, subject to the following:

- A. **Informal Consultation.** At minimum, informal early consultation with HPO is required prior to or subsequent to an applicant filing an application required under Title 20. At its sole-discretion, the HPO may notify and forward the application and relevant documents to the Board for its comments. Alternatively, the HPO may refer a matter for a formal consultation before the Board.
- B. **Formal Consultation.** Significant projects involving major alterations (as defined below), early consultation shall be conducted by the Board subject to a public hearing consistent with section 20.15.030. The matter shall be scheduled for the Board's discussion calendar. The HPO shall prepare a report including conceptual site plan, application materials, renderings, and any other relevant documents provided by the applicant. The HPO report should identify the relevant approvals, guidelines, and criteria applicable to any future approval or action taken by the HPO or Board. The Applicant shall have an opportunity to present its project to the Board, followed by public comment, followed by questions and feedback from the Board and staff. No formal action or commitment to any specific project alternative shall be taken at said hearing.

C. **Major Projects/Alterations.** Significant projects involving major alterations requiring formal consultation before the Board shall include but not limited to the following:

1. New construction on vacant land within a Historic District;
2. For Designated or Eligible Cultural Resource or Contributors to a Historic District or NCA: (a) demolition, relocation, and/or replacement; (b) addition to structures exceed 50% of its square footage; (c) alterations to 50 % of its exterior walls and/or roof facing a public street; and/or (d) construction of an additional story;
3. Proposed work exceeding \$250,000 in value involving a public, commercial, or non-residential project.
4. Multi-family projects consisting of ten or more dwelling units.

D. **Voluntary Formal Consultation.** Any applicant may request formal consultation before the Board regardless of the project size.

E. **Coordination.** Nothing herein shall prevent the City from coordinating early consultation with other requirements under the Code, including but not limited to Design Review (RMC § 19.710 et seq.).

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## Chapter 20.25

### CERTIFICATES OF APPROPRIATENESS

#### Sections:

- 20.25.010** Certificates of Appropriateness Required.
- 20.25.015** Certificates of Appropriateness Not Required
- 20.25.020** Application.
- 20.25.030** Administrative Certificates of Appropriateness.
- 20.25.040** Referral to the Cultural Heritage Board.
- 20.25.050** Principles and Standards of Site Development and Design Review.
- 20.25.060** Appeals.
- 20.25.070** Application of the State Historic Building Code.

#### **Section 20.25.010 Certificates of Appropriateness Required.**

- A. In addition to any and all other City permit requirements a Certificate of Appropriateness is required before any person restores, rehabilitates, alters, develops, constructs, demolishes, removes, or changes the appearance of any:
  - 1. Designated Cultural Resource;
  - 2. Eligible Cultural Resource; or
  - 3. Any element in a geographic Historic District (contributing and non-contributing) or contributor to Neighborhood Conservation Area.
- B. Alterations include changes to the exterior, unless otherwise designated per the designating resolution or per the requirements of the Secretary of Interior's Standards for the Treatment of Historic Properties.
- C. Non-contributors and Non-contributing Features in Historic Districts and individually significant properties are subject to the Certificate of Appropriateness requirements; however, the principles, issues and standards are different than for Contributing features.
- D. Non-contributors and Non-contributing features in Neighborhood Conservation Areas are not subject to the Certificate of Appropriateness requirements.

#### **Section 20.25.015 Certificates of Appropriateness Not Required.**

No Certificate of Appropriateness is required for:

- A. A Cultural Resource if the Building Official has determined that structure presents an unsafe or dangerous condition constituting an imminent threat as defined in the California Building Code: or
- B. A dangerous building as defined by the Uniform Code for the Abatement of Dangerous Buildings, and the proposed action is necessary to mitigate the unsafe or dangerous condition.
- C. Before any physical work on any such unsafe structure, the Building Official shall make all reasonable efforts to consult with the Historic Preservation Officer or Qualified Designee to seek feasible alternatives to the proposed action that will adequately protect the public health and safety. (Ord. 7206 §14, 2013; Ord. 7108 §1, 2010; Ord. 6263 §1 (part), 1996)

#### **Section 20.25.020 Application.**

- A. Submittal requirements.
  - 1. Applications for a Certificate of Appropriateness shall be made on forms provided by the Planning Division. Applications shall include:
    - a. Plans and specifications showing the design, materials, colors, landscaping, and irrigation relating

to the proposed improvements.

- b. Where required, applications shall also show the relationship of the proposed work to the surrounding environs.
- c. Applications for new construction in a Historic District or Neighborhood Conservation Area shall also include such relevant information as how the new improvement relates to the existing architectural style, scale, massing, site, streetscape, landscaping, and signage.
- d. The Planning Division may require any additional information deemed necessary to make an informed judgment of the proposed work according to the standards of this Chapter.

2. Signature and fees required.

- a. Applications will not be accepted by the Planning Division without required signed application forms and permit.
- b. Any owner, owner's authorized representative or the City Manager, or his/her designee, may sign an application.
- c. Applicable fees shall be those established by City Council Resolution and published in the Schedule of Fees available from the Planning Division.

3. Indemnification.

- a. With the submittal of any application, the owner and/or applicant agrees that upon approval of its application the owner and/or applicant shall defend, indemnify, including reimbursement, and hold harmless the City of Riverside, its agents, officers and employees from any claim, action or proceeding against the City of Riverside, its agents, officers or employees, that attacks, set asides, voids, or annuls, any approval by the City concerning:
  - i. Any such approval of the City: and/or
  - ii. An action taken to provide environmental clearance under CEQA by its advisory agencies, appeal boards or City Council.
- b. The owner and/or applicant shall execute an indemnification agreement in a form acceptable to the City Attorney.
- c. In the event any claim, action or proceeding is brought, the City shall promptly notify the owner and/or applicant of the existence of the proceeding and the City will cooperate fully in the defense of the proceeding. Nothing in this Section shall prohibit the City from participating in the defense of any proceeding.
- d. If the applicant is required to defend the City in connection with any proceeding described in this Section, the City shall retain the right to approve:

~~e.i.~~ The counsel to so defend the City;

~~f.ii.~~ All significant decisions concerning the manner in which defense is conducted; and

~~g.iii.~~ Any and all settlements, which approval shall not be unreasonably withheld.

~~h.e.~~ The City shall also have the right not to participate in the defense, except that the City agrees to cooperate with the applicant in the defense of the proceeding. If the City chooses to have counsel of its own defend any proceeding where the applicant has already retained counsel to defend the City in such matters, the fees and expenses of the counsel selected by the City shall be paid by the City.

- B. Applicant requested workshop: Prior to an application being deemed complete the applicant may request that the Historic Preservation Officer place a workshop for the proposal on the next available Board agenda to discuss the proposal and seek input.

- C. Application Completeness Review: All applications filed with the Planning Division in compliance with this Title shall be initially reviewed by the Historic Preservation Officer, or Qualified Designee. The application shall be processed as follows:
1. Complete applications. The applicant shall be notified in writing of the determination either that all the submittal requirements have been satisfied and that the application has been accepted as complete.
  2. Incomplete applications. The applicant shall be notified in writing of the determination that specific information and or materials are still necessary to complete the application. The letter may also identify preliminary information regarding the areas in which the submitted plans are not in compliance with City standards and requirements.
  3. Withdrawals.
    - a. Submittal of withdrawals. All withdrawal requests shall be submitted in writing to the Planning Division, identifying the application being withdrawn.
    - b. Resubmittal of withdrawn applications. Any resubmittal of a withdrawn application shall require submittal of a new application along with the appropriate fees and a new case number will be assigned.
  4. City inactivity determination.
    - a. The City, at its discretion, may deem any application inactive if it remains incomplete for 180 calendar days from the date of the original submittal and no meaningful progress has been taken by the applicant in response to deficiencies with the application.
    - b. The City shall notify the applicant in writing of its intention to deem the application inactive at least 30 calendar days prior to determination.
    - b-c. Subsequent to an application being deemed complete, the City may terminate an application due to inactivity consistent with the above procedures.
  5. Mutual agreement to extension of time. Nothing in this Section precludes the applicant and the City from mutually agreeing to an extension of any time limit provided by this Section.

(Ord. 7108 §1, 2010; Ord. 6263 § 1 (part), 1996)

**Section 20.25.025 Board Certificates of Appropriateness.**

Except as set forth in this Chapter, Certificates of Appropriateness shall be reviewed by the Cultural Heritage Board.

**Section 20.25.030 Administrative Certificates of Appropriateness.**

The Historic Preservation Officer or Qualified Designee may administratively approve, approve with conditions, refer to the Board, or deny a Certificate of Appropriateness as follows:

- A. For any Cultural Resources, including Landmarks (designated and eligible):
  1. New or replacement fences, walls, awnings, and/or exterior lightings.
  2. The in-kind replacement of historically correct architectural features or building elements, including windows, doors, exterior siding, roofs, porches, cornices, balustrades, stairs, and the like, that are deteriorated, damaged beyond restoration, or previously removed.
  3. The in-kind replacement of historically correct site, or contributing landscape features that are deteriorated, damaged beyond restoration, or previously removed.
  4. Removal or alteration of landscape features, such as walkways, planter walls, fountains, and in certain circumstances mature foliage, that contribute to the historic character of the resource but are not designated or listed as contributing to a designated resource.
  5. The removal of inappropriate additions or alterations to restore the original appearance of a structure

6. Paving for driveways, walkways and/or patios, and the addition of or alteration to driveway approaches, subject to WQMP requirements.
  7. Exterior painting of commercial properties and/or designated landmarks, -including only those surfaces allowed to be painted include only those that were originally intended to be painted and exclude all other surfaces, such as brick, concrete, and stone.
- B. For any Cultural Resources, excluding Landmarks:
1. One-story additions to a single-story structure, less than 50% of the size of the existing main structure (or 1000 square feet area, whichever is smaller, for residential), with limited or no visibility from public streets.
  2. Two-story Accessory Dwelling Unit (ADU) and second-story additions to existing single-story structures auxiliary structures (excluding attached garages) for an ADU, when the main residence is at least two-stories in height
  3. Demolition of a, or the replacement of a previously existing, one-story, detached garage and construction of a new one-story, detached garage that is architecturally compatible with the existing residence and character-defining features of the existing neighborhood and the area devoted to parking does not exceed 400 square feet, or the minimum size for a two-car garage as required by the City Zoning Code, whichever is greater. Maximum size of the structure shall not exceed City Zoning Code requirements.
- C. For Non-contributing Features and Non-contributors in a Historic District, all actions except:
1. Demolition.
  2. New and in-fill construction.
  3. Large additions (increasing floor area by ~~100~~50% or more).
  4. Increasing the number of stories (e.g., adding a second story to a single-story structure).
- D. Under A, B and C above, the Historic Preservation Officer or Qualified Designee may waive ~~noticing-meeting~~ requirements and/or formal application forms for cases that are immediately determined to meet all required findings because involve alterations deemed insignificant or having no impact on the significance or integrity of the Cultural Resources. [However, notice of the administrative action must be provided in accordance with section 20.15.050.](#)

(Ord. 7206 §15, 2013; Ord. 7108 §1, 2010; Ord. 6263 § 1 (part), 1996)

**Section 20.25.040 Referral to the Cultural Heritage Board.**

The Historic Preservation Officer or Qualified Designee may, in its sole discretion, decline to administratively review any application and refer the application to the Board. (Ord. 7206 §16, 2013; Ord. 7108 §1, 2010; Ord. 6263 §1 (part), 1996)

**Section 20.25.050 Principles and Standards of Site Development and Design Review.**

The Board and Historic Preservation Officer or Qualified Designee shall make findings of the following standards when applicable to approving or denying a Certificate of Appropriateness.

- A. For proposed projects involving individually significant Cultural Resources, the proposed project should demonstrate:
1. Consistency or compatibility with the architectural period and the character-defining elements of the historic building, such as colors, textures, materials, fenestration, decorative features, details, height, scale, massing, and method of construction;
  2. The proposed project does not destroy or pose a substantial adverse change to an important architectural, historical, cultural or archaeological feature or features of the Cultural Resource;



3. Compatibility with context considering the following factors: grading; site development; orientation of buildings; off-street parking; landscaping; signs; street furniture; public areas; relationship of the project to its surroundings; and
  4. Consistency with the principles of the Secretary of the Interior's Standards for the Treatment of Historic Properties [and other federal, state, and/or local guidelines](#).
- B. For proposed projects involving contributors or contributing feature within Historic Districts and Neighborhood Conservations Areas, the proposed project should demonstrate:
1. Compatibility with the height, scale, or massing of the contributor (or contributing feature) the Cultural Resource;
  2. Compatibility with colors, textures, materials, decorative features of the contributor (or contributing feature) to the Cultural Resources;
  3. The proposed change does not destroy or pose a substantial adverse change an important architectural, historical, cultural or archaeological feature or features;
  4. Compatibility with the context of the Cultural Resource regarding grading, site development, orientation of buildings, landscaping, signs. or public areas;
  5. Consistency with the Citywide Residential Historic District Design Guidelines, approved guidelines for each Historic District, and/or any other applicable Design Guidelines; and
  6. Consistency with the principles of the Secretary of the Interior's Standards for the Treatment of Historic Properties.
- C. For Non-contributors in a Historic District, the proposed project should demonstrate:
1. Compatibility with the height, scale, or massing of contributors within the Historic District, and as allowed by Title 19-Zoning;
  2. Compatibility with the colors, textures, roof forms, and materials of contributors or the architectural period within the Historic District;
  3. That the proposed project does not pose an adverse change to the Historic District or its context;
  4. Consistency with the Citywide Residential Historic District Design Guidelines and the Historic District guidelines; and
  5. Consistency with the principles of the Secretary of the Interior's Standards for the Treatment of Historic Properties.

(Ord. 7206 §17, 2013; Ord. 7108 §1, 2010; Ord. 6263 §1 (part), 1996)

**Section 20.25.060 Appeals.**

[Section 20.15.090 shall apply](#) for appeals of any approval, conditional approval or denial of a Certificate of Appropriateness under this Chapter. (Ord. 7206 §18, 2013; Ord. 7108 §1, 2010; Ord. 6263 §1 (part), 1996)

**Section 20.25.070 Application of the State Historic Building Code.**

Pursuant to the California Health and Safety Code, the Building Official may apply the State Historic Building Code in permitting repairs, alterations and additions necessary for the preservation, restoration, rehabilitation, moving, or continued use of a designated Cultural Resource. (Ord. 7108 §1, 2010; Ord. 6263 §1 (part), 1996)

## CHAPTER 20.26

### ARCHAEOLOGICAL AND TRIBAL CULTURAL RESOURCES

#### SECTIONS:

**20.26.010**      **CULTURAL RESOURCES REPORT.**

**20.26.020**      **TRIBAL CONSULTATION.**

#### **Section 20.26.010**      **Cultural Resources Reports.**

A Cultural Resources Report, meeting the requirements established by the Planning Division, may be required for any discretionary action that meets at least one on the following criteria, as determined by the Historic Preservation Officer or Qualified Designee:

- A. The proposed project has the potential to impact a Cultural Resource (designated or eligible) as defined in this Title.
- B. The proposed project has the potential to impact a structure that is over 50 years of age or may be eligible for City, State or National Designation.
- C. The project is located near a known archeological site such as:
  1. Within 1,000 feet of a documented site; or
  2. Within or adjacent to an area of high archeological sensitivity as defined by the City's General Plan.
- D. Contains site features such as:
  1. Steep slopes that are undeveloped;
  2. Canyons;
  3. Arroyos;
  4. Rivers or streams and/or adjacency;
  5. Rock outcroppings: and/or
  6. Undeveloped land at the base of steep slopes.
- E. The Eastern Information Center determination that a Phase 1 Archeological Study is necessary.

#### **Section 20.26.020**      **Tribal Consultation.**

When required, Tribal Consultation shall be completed in accordance with CEQA.

## Chapter 20.35

### DUTY TO MAINTAIN

#### Sections:

- 20.35.010**      **Duty to Maintain.**  
**20.35.020**      **Relationship to Other Provisions.**

#### **Section 20.35.010 Duty to Maintain.**

Every person in possession or control, and the owner, of a Cultural Resource [or a building, structure, object or site within a Historic District](#) shall maintain and keep in good repair the exterior of that resource, and all interior portions necessary to prevent loss or deterioration of any cultural or structural integrity. “Good repair” means that level of maintenance and repair which clearly furthers the continued viability of a resource and/or premises for lawful reasonable uses and prevents loss or deterioration of the resource and/or premises. [Such maintenance shall be in compliance with all applicable codes, laws and regulations governing the maintenance of property.](#) In addition to any other remedies available to the City, this section shall also be enforceable by the Code Enforcement Division of the Community & Economic Development Department to the full extent permissible by law.

[Failure to maintain a Cultural Resource may result in a Determination of Nuisance and Summary Abatement. Any and all remedies are subject to Certificate of Appropriateness requirements as set forth in this title. Retroactive Certificate of Appropriateness requirements shall apply to any emergency remediation undertaken due to legal, illegal, or inadvertent demolition of a Cultural Resource or a building, structure, object, or site within a Historic District.](#)

(Ord. 7108 §1, 2010; Ord. 6775 §1, 2004 (part); Ord. 6263 §1 (part), 1996)

#### **Section 20.35.020 Relationship to Other Provisions.**

Any duties or obligations set forth in this Title are in addition to those set forth in Title 6, including Chapters 6.11 (“Maintenance and Rehabilitation of Vacant and Neglected Buildings”), 6.14 (“Property Maintenance”), and 6.15 (“Abatement of Public Nuisances”). If there is any conflict between this Title and any other provision of the Municipal Code, except as provided herein, Title 20 shall prevail. (Ord. 7108 §1, 2010; Ord 6775 §1, 2004 (part))

## Chapter 20.40

### ENFORCEMENT AND PENALTIES

#### 20.40.010 Violations.

No person shall alter or demolish a cultural resource in violation of this title, either actively or passively, including through neglect. It shall be unlawful for any person to permit or maintain violations of any of the provisions of this article by undertaking the alteration, grading, removal, demolition or partial demolition of an Cultural Resource or a building, structure, object or site within a Historic District without first obtaining written approval as provided in this article, or to defy any order or decision rendered by the Historic Preservation Officer or Qualified Designee and the Board.

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#### Section 20.40.040 Stop Work Orders.

The Community & Economic Development Director or designee has the authority to issue a Stop Work Order for any violation or threatened violation of this Title. A Stop Work Order shall be written in the format deemed appropriate by the issuer. The Stop Work Order shall remain in effect until written notice of rescission by the Community & Economic Development Director or designee, or until City Council action to remove or modify the order, in addition to any other enforcement under any other provision of the Municipal Code or law. (Ord. 7206 §22, 2013; Ord. 7108 §1, 2010)

#### Section 20.40.050 Remedies.

~~A.~~ Remedies shall apply to any violation of this Title

~~B.~~A. Remedies are at the sole discretion of the City and may include one or more of the following:

1. Administrative Certificate of Approvals and Non-contributors in a Historic District:
  - a. A retroactive Certificate of Appropriateness as defined in this Title shall be required; and
  - b. All conditions of the Certificate of Appropriateness shall be satisfied.
2. Board Issued Certificate of Appropriateness - Retroactive compliance.
  - a. A retroactive Certificate of Appropriateness as defined in this Title shall be required; and
  - b. All conditions of the Certificate of Appropriateness shall be satisfied.
3. Restoration.
  - a. A violation may be abated by restoring or reconstructing the Cultural Resource to its original condition prior to the violation.
  - b. The violator must obtain a Certificate of Appropriateness prior to restoration.
  - c. Restoration shall use as much of the original material as possible. The City can compel the violator to perform or provide for the restoration, or the City may perform or provide the restoration and recover all of its costs from the violator.
  - d. The City may place a lien on the property as provided for in Municipal Code chapter 6.15.
4. Civil Penalty.
  - a. If, in the sole judgment of the City, Restoration is not feasible, the City Council may impose a civil penalty equal to the cost of restoring the Cultural Resource to its pre-violation condition, and all

administrative and enforcement fees.

- b. The City shall fix the costs through appraisals or by soliciting bids.
- c. All collected funds shall be set aside and used only for CLG duties and required responsibilities.

**20.40.060 - Loss of Further Entitlement ~~Moratoriums~~.**

Alteration or demolition of a historic structure in violation of this title shall eliminate the eligibility of the structure's lot for any transfer of development rights. Such lot, if it is the site of an unlawfully demolished historic structure from which development rights have been transferred, shall not be issued a Building Permit for any new development for a period of five years from the date the violation occurs, other than as may be required to comply with applicable health and safety requirements and regulations.

Any property that remains undeveloped pursuant to this section shall be maintained in such a manner so as to not constitute a public or private nuisance, or otherwise violate this Code. The property shall be maintained in a clean and orderly manner free of junk, trash, debris, litter, abandoned or inoperable vehicles, stagnant water, abandoned excavations, appliances and furniture, storage containers, vegetation that is not in a healthy or living state, and overgrown vegetation. Living vegetation, including trees and shrubs, shall be retained and fully maintained, including necessary watering and trimming, during the construction prohibition period. Living grasses and groundcovers shall also be retained and fully maintained and new grass and/or groundcover shall be planted at any areas of bare soil to control dust and erosion. All grasses and groundcovers shall not exceed an overall height of six (6) inches. Additionally, vehicles of any type shall not be parked or stored on the property and no remunerative use of any kind shall be allowed. In addition, no permits or use of the property as a parking area shall be allowed during the five years if plans or other evidence for reconstruction or restoration of a demolished structure do not exist, or if the reconstruction or restoration is not completed for any reason.

After such time, in no event shall any permit authorize the new construction to exceed the building footprint, height, and square footage, lot coverage, and use of the original structure for a period of twenty years from the unlawful demolition.

No Certificate of Appropriateness or permit to demolish a landmark or structure designated pursuant to this title may be issued unless: (1) a building permit has been issued for a replacement structure or project for the property involved; and (2) the applicant has submitted evidence to the satisfaction of the Cultural Heritage Board that a financial commitment has been obtained by the applicant to assure the completion of the structure or project.

In addition to any other remedies provided herein, in the event a designated historic resource, a resource pending designation as a historic resource, or an eligible historic resource is partially demolished through removal of one or more character defining features in violation of this chapter, the missing features shall be reconstructed and/or replaced in kind to match the original in terms of size, proportions, design, details, materials, and overall appearance. In the event that aspects of the original features cannot be discerned through documentary and/or physical evidence, the Historic Preservation Office shall determine the preferred method of reconstruction or replacement, contingent upon approval by the Board. ~~In addition to Section 20.40.050 above, the City Council may impose up to a five-year moratorium on any City approvals and permits in response to a violation. The purpose of the moratorium is to provide the City an opportunity to study and determine appropriate mitigation measures for the alteration 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 City shall be imposed as a condition of any subsequent permit for development of the subject property. All time periods are calculated from the date the City actually learns of the violation. Permits for City-approved restoration of the resource or property are exempt from the moratorium.~~

~~If a project is proposed for a site under a moratorium, the City Council may reconsider and expunge or modify the~~

~~moratorium. Expungement will require, at a minimum, retroactive compliance with the Certificate of Appropriateness Process, and CEQA (including mitigation), and an expungement levy of up to treble damages of the penalty defined in Section 20.40.050.C.~~

(Ord. 7108 §1, 2010)

#### **20.40.070 - Legal actions.**

The City Attorney may maintain an action for injunctive relief to restrain a violation, or seek restoration and/or penalties. The City Attorney may also pursue any other action or remedy authorized under the Municipal Code, state statutes and/or in equity for any violation of this title. Civil remedies shall be in addition to any criminal prosecution and penalty, or any other remedy provided by law.

(Ord. 7108 §1, 2010)-

#### **20.40.080 Board Enforcement Referrals**

Upon minute action of the Cultural Heritage Board, the Board may request a report back from the HPO regarding any matter subject to an enforcement action pursuant to this Chapter. The HPO shall report back within 60 days regarding the matter during the Board's discussion calendar. The HPO shall provide notice in accordance with section 20.15.030, including any applicable land owner which shall be granted an opportunity to be heard, present evidence, and afforded all due process rights under the law. At the conclusion of said hearing, the Board may: (a) receive and file the report and take no further action on the matter; or (b) make findings supported by substantial evidence of the likelihood of a violation under Title 20 and recommendation on appropriate remedies, if any, to be forwarded for City Council consideration. It shall be the sole discretion of the City Council to take any further action on any enforcement matter referred by the Board.

#### **20.40.090 Private Right of Action**

- A. Any violation of this Title may be enforced by a civil action, as provided by law in a court of competent jurisdiction, by any interested person on behalf of the public. In order to maintain such an action, the plaintiff must plead, show and prove that: (a) all administrative remedies have been exhausted; (b) at least thirty days prior to filing suit, plaintiff provided written notice to the property owner or permittee and to the City of: (1) the address of the subject real property, and (2) the specific violation at issue.
- B. Any person who prevails in such an action shall be entitled to recover from the violator those damages, costs, attorneys' fees, legal or equitable relief, and such other relief as determined by the court. In addition to all other damages, the court may award to the aggrieved person a civil penalty between \$50.00 and \$250.00 for each day of violation.
- C. The remedies provided by this section are in addition to any other legal or equitable remedies the aggrieved person may have and are not intended to be exclusive.

#### **20.40.100 Remedies Cumulative**

The remedies provided for in this chapter shall be cumulative to each other and not exclusive.

## Chapter 20.45

### AMENDMENT AND SEVERABILITY

#### Sections:

- 20.45.010**      **Amendment.**
- 20.45.020**      **Procedures.**
- 20.45.030**      **Severability.**

#### **Section 20.45.010**      **Amendment.**

Amendments to this Title may be initiated in any one of the following manners:

- A. Upon Minute Action of the City Council.
- B. Upon Minute Action of the Cultural Heritage Board.
- C. Upon the written request of the Community & Economic Development Director or designee.
- D. Upon application by a property owner or owners of any parcel subject to this Title and subject to payment of a fee.

(Ord. 7206 §23, 2013; Ord. 7108 §1, 2010; Ord. 6263 §1 (part), 1996)

#### **Section 20.45.020**      **Procedures.**

- A. Recommendation and Approval. Any proposed amendment to this Title must first be sent to the Board for review and recommendation. The Board shall recommend that the City Council amend, not amend, or amend the proposal as modified by the Board. The City Council is the final approving authority.
- B. Notice. The Cultural Heritage Board shall hold a public hearing on any amendment. Notice of the hearing shall be published in at least one newspaper of general circulation within the City at least ten days prior to the hearing.
- C. Adoption. Amendments of this Title shall be adopted by ordinance of the City Council, which constitutes final action.
- D. Required Findings. In acting to approve an amendment the City Council shall make the following findings:
  - 1. The proposed Amendment is generally consistent with the goals, policies, and objectives of the General Plan; and
  - 2. The proposed Amendment complies with the purposes of this Title. (Ord. 7108 §1, 2010)

#### **Section 20.45.030**      **Severability.**

If any section, sentence, clause, or phrase of this Title is for any reason held to be invalid by a decision of any court of competent jurisdiction, such decision shall not affect the validity of the remaining portions of this Title. The City Council declares that it would have passed this ordinance and adopted this Title, and each section, sentence, clause, or phrase thereof, irrespective of the fact that any one or more sections, subsections, sentences, clauses or phrases be declared invalid. (Ord. 7108 §1, 2010)

## Chapter 20.50

### DEFINITIONS

#### Sections:

**20.50.010**      **Definitions.**

**20.50.020**      **Interpretation.**

#### **Section 20.50.010**      **Definitions.**

For the purposes of this Title, these terms are defined as follows:

**Alteration** means any change, modification, or demolition, through public or private action, to the character-defining or significant physical features of properties affected by this Title. Such changes may be: changes to, or modifications of, structural or architectural details; or visual characteristics; grading; surface paving; the addition of new structures; the cutting or removal of designated trees, landscapes or other natural features; the disturbance of archaeological sites or areas; or the placement or removal of any significant objects such as signs, plaques, light fixtures, street furniture, walls, fences, steps, plantings, or landscape accessories affecting the significant visual and/or historical qualities of the Cultural Resource.

**Board** means the Cultural Heritage Board.

**Certificate of Appropriateness** means a certificate, issued by the Board or Historic Preservation Officer or Qualified Designee that approves plans, specifications, or statements of work for any proposed alteration, removal, relocation or demolition of any Cultural Resource.

**Certified Local Government (CLG)** means a local government certified under federal law by the California State Office of Historic Preservation for the purpose of more direct participation in federal and State historic preservation programs.

**Character Defining Features** means the overall shape of the building, its materials, craftsmanship, decorative details, architectural features, and the various aspects of its site and environment.

**Contributing Feature** means a site, improvement, or natural feature within a Historic District, Neighborhood Conservation Area, or individually significant property that provides appropriate historic context, historic architecture, historic association, or historic value, or is capable of yielding important information about the period including, but not limited to, streets, curbs, sidewalks, streetlights, street furniture, signs, landscaping, monuments, and works of art, gutters, setbacks, signage, parkway, alleys, walls, fencing, and gates.

**Contributor** means a building or structure within a Historic District or Neighborhood Conservation Area that provides appropriate historic context, historic architecture, historic association or historic value, or is capable of yielding important information about the period.

**Cultural Landscape** means a geographic area, including both cultural and natural resources and the wildlife or domestic animals therein, associated with a historic event, activity, or person or exhibiting other cultural or aesthetic values.

**Cultural Resource** means improvements, natural features, sites, Cultural Landscapes, or other objects, which may reasonably be of scientific, aesthetic, educational, cultural, architectural, social, political, military, historical or archaeological significance. This includes Designated Cultural Resources, Eligible Cultural Resources, and Contributing Features to Historic Districts and Neighborhood Conservation Areas. A Point of Cultural Interest” as recognized under Title 20 is expressly not a “Cultural Resource” under this definition.

**Cultural Resources Overlay Zone** means a Title 19 zoning category applied to a property identified as a Designated Cultural Resource.



**Cultural Resources Survey** means a project that surveys and identifies properties within the City according to the standards set forth in National Register Bulletin #24. Completed surveys shall have findings adopted by City Council, as a consent or discussion item.

**Design Guidelines** means the document approved by the Board which illustrates appropriate and inappropriate methods of alteration and construction. The purpose of design guidelines is to promote appropriate design and decision-making and to preserve the integrity and Character Defining Features of Cultural Resources. The Secretary of the Interior's Standards for the Treatment of Historic Properties shall serve as design guidelines where there exist no other established design guidelines.

**Designated Cultural Resource** means any cultural resource that has been designated a City Landmark, Structure or Resource of Merit, Historic District, or Neighborhood Conservation Area (prior to 2006); County Landmark, County Historic Preservation District, a California Point of Historical Interest or Historical Landmark; a National Heritage Landmark; or is listed in the National Register of Historic Places or the California Register of Historical Resources.

**Eligible Cultural Resource** means a cultural resource or historic district which has been determined by the Historic Preservation Officer or Qualified Designee, Board, or City Council to meet the City's designation criteria pursuant to a survey prepared by a professional meeting the Secretary of the Interior's standards which either documents the resource, records the resource on the State Department of Parks and Recreation survey forms, or has been so designated by the California State Historic Preservation Officer.

**Historic District** means an area which contains:

- A. A concentration, linkage, or continuity of cultural resources, where at least fifty percent of the structures or elements retain significant historic integrity, (a "geographic Historic District") or
- B. A thematically-related grouping of cultural resources which contribute to each other and are unified aesthetically by plan or physical development, and which have been designated or determined eligible for designation as a historic district by the Historic Preservation Officer or Qualified Designee, Board, or City Council or is listed in the National Register of Historic Places or the California Register of Historical Resources, or is a California Historical Landmark or a California Point of Historical Interest (a "thematic Historic District").

In addition to either **A** or **B** above, the area also:

- 1. Exemplifies or reflects special elements of the City's cultural, social, economic, political, aesthetic, engineering, architectural, or natural history;
- 2. Is identified with persons or events significant in local, State, or national history;
- 3. Embodies distinctive characteristics of a style, type, period, or method of construction, or is a valuable example of the use of indigenous materials or craftsmanship;
- 4. Represents the work of notable builders, designers, or architects;
- 5. Embodies a collection of elements of architectural design, detail, materials or craftsmanship that represent a significant structural or architectural achievement or innovation;
- 6. Reflects significant geographical patterns, including those associated with different eras of settlement and growth, particular transportation modes, or distinctive examples of park or community planning;
- 7. Conveys a sense of historic and architectural cohesiveness through its design, setting, materials, workmanship or association; or
- 8. Has yielded or may be likely to yield, information important in history or prehistory.

**Historic Preservation Officer** is the person selected by the Community & Economic Development Director for the City of Riverside and appointed by the City Manager to administer the Cultural Resources program, including professional support to the Board, management of both the Board's Certificate of Appropriateness process, and execution of the Administrative Certificate of Appropriateness process. The Historic Preservation Officer shall meet

the requirements of the Department of the Interior, National Park Service as set forth in appendix A to Title 36, Part 61 (Professional Qualification Standards).

**Improvement** means any building, structure, fence, gate, wall, landscaping, planted tree, work of art, or other man-made physical feature of real property, or any part of such feature which is not a Natural Feature.

**In-kind Replacement** means to match the old in material, design, color, and texture, when sufficient information is known about the original to be replaced. Refer to the Secretary of Interior Standards for Historic Properties for more specific information on in-kind replacement as applies to the appropriate level of treatment (i.e.: preservation, rehabilitation, restoration, or reconstruction). If sufficient information is not known about the original to be replaced, in-kind replacement is not possible.

**Integrity** means the ability of a cultural resource to convey its significance. To retain integrity a cultural resource must retain most of the aspects that closely relate to the resource's significance including location, design, setting, materials, workmanship, feeling, and association.

**Land Use Committee** means the Utility Services, Land Use and Energy Development Committee.

**-Landmark** means:

- A. Any Improvement or Natural Feature that is an exceptional example of a historical, archaeological, cultural, architectural, community, aesthetic or artistic heritage of the City, retains a high degree of integrity; and
- B. Meets one or more of the following criteria:
  1. Exemplifies or reflects special elements of the City's cultural, social, economic, political, aesthetic, engineering, architectural, or natural history;
  2. Is identified with persons or events significant in local, state or national history;
  3. Embodies distinctive characteristics of a style, type, period or method of construction, or is a valuable example of the use of indigenous materials or craftsmanship;
  4. Represents the work of a notable builder, designer, or architect, or important creative individual;
  5. Embodies elements that possess high artistic values or represents a significant structural or architectural achievement or innovation;
  6. Reflects significant geographical patterns, including those associated with different eras of settlement and growth, particular transportation modes, or distinctive examples of park or community planning, or cultural landscape;
  7. Is one of the last remaining examples in the City, region, State, or nation possessing distinguishing characteristics of an architectural or historical type or specimen; or
  8. Has yielded or may be likely to yield, information important in history or prehistory.

An Improvement or Natural Feature meeting one or more of the above criteria, yet not having the high degree of integrity to qualify as a Landmark, may qualify as a Structure or Resource of Merit (see subsection **EE**, below).

An Improvement or Natural Feature meeting one or more of the above criteria, yet not formally designated as a Landmark by the City Council, may be an eligible Landmark.

**-Moratorium** means a suspension of an ongoing or planned development activity or permits.

**Natural Feature** means any naturally occurring tree, plant life, habitat, geographical or geological site or feature, but does not include Improvements.

**Neighborhood Conservation Area** means an area that:

- A. Provides a contextual understanding of the broader patterns of Riverside's cultural, social, economic, political, aesthetic, engineering, architectural, or natural history;

- B. Represents established and familiar visual features of a neighborhood, community, or of the City;
- C. Reflects significant development or geographical patterns, including those associated with different eras of settlement and growth; or
- D. Conveys a sense of historic or architectural cohesiveness through its design, setting, materials, workmanship or association.

Designation of Neighborhood Conservation Areas is no longer allowed. Those designated prior to May 2006 shall remain in effect and subject to this Title and may be modified or de-designated.

**Non-contributing Feature** of a Historic District, Neighborhood Conservation Area, or individually significant property means a site, improvement, or natural feature within a Historic District or Neighborhood Conservation Area that does not provide appropriate historic context, historic architecture, historic association or historic value, or is not capable of yielding important information about the period, because that element:

- A. Was not present during the district's or area's period of historic significance; or
- B. No longer possesses integrity due to alterations, disturbances, additions, or other changes; and
- C. Does not independently meet the designation criteria as defined in this Title.

**Non-contributor** to either a Historic District or a Neighborhood Conservation Area means a building structure within a Historic District or Neighborhood Conservation Area that does not provides appropriate historic context, historic architecture, historic association or historic value, or is not capable of yielding important information about the period, because that building structure:

- A. Was not present during the district's or area's period of historic significance; or
- B. No longer possesses integrity due to alterations, disturbances, additions, or other changes; and
- C. Does not independently meet the designation criteria as defined in this Title.

**Person** means any natural person, property owner, or occupant; association, company, corporation or other legal entity; local, city, county, or federal agency.

**Point of Cultural Interest**

- A. Criteria. Point of Historical Interest means a site, of local significance, meeting one or more of the following criteria:
  1. Has anthropological, cultural, military, political, architectural, economic, scientific or technical, religious, experimental, or other value;
  2. The original physical feature(s) no longer exist to an appreciable extent; and
  3. Is found to not qualify as a Recognized Cultural Resource or an Eligible Cultural Resource.
- B. Not Cultural Resources. Points of Cultural Interest are recognized, not designated, and do not qualify as a Cultural Resource by virtue of their recognition.
- C. Intent. The purpose of Points of Cultural Interest is to recognize otherwise-intangible historic facts about a place in the City. Points of Cultural Interest are strictly informational in nature.
- D. Relationship with other laws. Points of Cultural Interest are specifically and expressly intended to not have any significance under the California Environmental Quality Act ("CEQA") (Public Resources Code section 21000 et seq.) or the State CEQA Guidelines (14 Cal. Code Regs. Section 15000 et seq.), the National Environmental Protection Act, or any other environmental law, statute, or regulation.

**Preservation** means the identification, study, protection, restoration, rehabilitation, and/or acquisition of cultural resources.

**-Qualified Designee** means the person(s) designated by the Historic Preservation Officer who meets the requirements of the Department of the Interior, National Park Service as set forth in Appendix A to Title 36, Part 61 (Professional Qualification Standards).

**-Resource of Merit** see “Structure or Resource of Merit,” below.

**Secretary of Interior's Standards for the Treatment of Historic Properties** means the guidelines prepared by the National Park Service for Preserving, Rehabilitating, Restoring, and Reconstructing Historic Buildings and the standards for historic preservation projects prepared by the National Park Service with the most current Guidelines for Applying the Standards.

**-Structure (or Resource) of Merit** means:

- A. Any Improvement or Natural Feature which contributes to the broader understanding of the historical, archaeological, cultural, architectural, community, aesthetic, or artistic heritage of the City while retains sufficient integrity: and
- B. Meets on or more of the following criteria:
  1. Has a unique location, embodies a singular physical characteristic, or –contains a view or vista representing an established and familiar visual feature within a neighborhood, community or area.
  2. Is an example of a type of building which was once common but is now rare in its neighborhood, community, or area;
  3. Is connected with a business or use which was once common but is now rare;
  4. Has yielded or may be likely to yield, information important in history or prehistory; or
  5. Represents an improvement or Cultural Resource that no longer exhibits the high degree of integrity sufficient for Landmark designation, yet still retains necessary integrity under one or more of the Landmark criteria to convey cultural resource significance as a Structure or Resource of Merit. (Ord. 7206 §24, 2013; Ord. 7108 §1, 2010)

**Section 20.50.020 Interpretation.**

The Historic Preservation Officer or Qualified Designee has the discretion to interpret the above terms, in addition to any other term in applying this Title. In applying this Title, the Historic Preservation Officer or Qualified Designee may, in its discretion, request from the Board a definition, interpretation, or an opinion regarding any defined term, or any other term. (Ord. 7206 §25, 2013; Ord. 7108 §1, 2010)