



Community & Economic Development Department
3900 Main Street, Riverside, CA 92522 | Phone: (951) 826-5371 | RiversideCA.gov

Planning Division

CULTURAL HERITAGE BOARD MEETING DATE: SEPTEMBER 21, 2022
AGENDA ITEM NO.: 5

DISCUSSION ITEM

Case Numbers	PR-2021-001145 (Title 20 Text Amendment)
Request	<p>Proposal by the City of Riverside for a comprehensive update to amend Title 20 (Cultural Resources) of the Riverside Municipal Code including, but not limited to:</p> <ol style="list-style-type: none">1. Revisions to Approvals and Hearings processes;2. Clarification on the Designation process;3. Streamlining and clarification of the Certificate of Appropriateness process;4. Addition of an Archaeological and Tribal Consultation Chapter;5. Clarification of Enforcements and Penalties processes;6. Revision of Title 20 amendment findings; and7. Clarifications to Definitions.
Project Location	Citywide
Ward	All
Staff Planner	Scott Watson, Historic Preservation Officer 951-826-5507 swatson@riversideca.gov

RECOMMENDATION

That the Cultural Heritage Board **recommend that City Council:**

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

BACKGROUND

A comprehensive update to Title 20 (Cultural Resources) of the Riverside Municipal Code (RMC) was last completed in 2010.

Amendments at that time included:

- Revisions to Landmark and Structure of Merit Criteria;
- Addition of owner consent for designation;
- Elimination NCA as a type of designation;
- Expansion of Administrative Approval Authority for Certificates of Appropriateness (COA);
- Revisions to strengthen Enforcement and Penalties;
- Clarification of Cultural Heritage Board's (CHB) California Environmental Quality Act (CEQA) authority; and
- Addition of Secretary of the Interior Standard's consistency to the Principle of Design Review.

Since the 2010 comprehensive update, Title 20 was amended several times as follows:

- In 2013, the Historic Preservation Fund was added;
- In 2014, language was added to clarify Historic Preservation Officer duties and the nomination of Historic Preservation Fund Committee members; and
- In 2016, Recognition of Points of Cultural Interest was added.

At the August 18, 2021 CHB meeting, a workshop was held to discuss staff recommended comprehensive changes to Title 20. The item was continued to the next meeting.

Following several continuances, on February 16, 2022, the CHB formed a subcommittee consisting of four members to work with staff on the recommended amendments. The subcommittee met on a bi-weekly basis between March and August 2022.

To facilitate the discussion, staff prepared a table of the proposed changes identifying the amendment priorities. The table also included a comparison of the current text and the proposed text, and the purpose of the amendment (Exhibit 1).

PROPOSAL

The proposed amendments to Title 20 are summarized by Chapter below (Exhibit 1) and include the following:

GLOBAL AMENDMENT

Update the former Community Development Director title to the current title of Community & Economic Development Director.

CHAPTER 20.05 - PURPOSE

Proposed changes to Chapter 20.05 include adding purpose (M) relating to CEQA and Section 106 of the National Historic Preservation Act compliance. Adding this to Title 20 identifies procedures for compliance with the associated state and federal laws.

CHAPTER 20.15 – APPROVALS AND HEARINGS

Proposed changes to Chapter 20.15 clarify approving authorities to help streamline review processes. Staff identified needed clarification or revisions for consistency with other planning entitlement procedures.

Specifically, recommended changes include:

- Update Table 20.15.010 (Approving and Appeal Authority) to add the Historic Preservation Fund Committee (HPFC). Adding the HPFC to the table will identify the appropriate authorities for reviewing HPFC Grants. In addition, staff recommends removing the Land Use Committee from the appeals process to streamline the appeals process to be consistent with Title 19. This would mean appeals of CHB decisions would go directly to City Council.
- Update Section 20.15.020 (CEQA Approval) to add procedures for CEQA approvals on projects that require a Negative Declaration or Mitigated Negative Declaration and where CHB is not the final approval authority. The amendment will clarify procedures regarding approvals of CEQA documents.
- Update Section 20.15.030 (Public Hearing and Notice) to add recognitions and derecognitions to Public Hearings requirements. Section 20.21.040 specifies that recognitions are to be considered at a public hearing, but this is not reflected in the Approvals and Hearings Chapter.
- Update Section 20.15.040 (Meeting and Notice for Certificates of Appropriateness by Board) to add text related to the referral of COAs from City Council to CHB. This amendment will establish procedures for situation when City Council chooses to refer the appeal of a COA back to CHB to work with the applicant on the project design to improve the compatibility of the project.
- Update Section 20.15.090 (Appeals) to clarify appeals procedures including, but not limited to, fees, appeal periods, and meeting dates. Text has been revised and new text has been added to match processes in Title 19. New text granting City Councilmembers and the Mayor ability to refer CHB actions to the City Council for discussion is also added for consistency with Title 19.

CHAPTER 20.20 - DESIGNATION

Proposed modifications to Chapter 20.20 include:

- Modifications to Section 20.20.080 (Overlay Zone) to include text related to Cultural Resources Overlay Zones currently found in Chapter 20.50 (Definitions) for clarity.
- Modifications to Section 20.20.120 (Designation Process in Flow Chart Form) to remove the flow chart which will be available as a handout, rather than include as part of Title 20.

CHAPTER 20.25 – CERTIFICATE OF APPROPRIATENESS

Proposed changes to Chapter 20.25 will codify application procedures, clarify COA requirements, and outline principles and standards for design review. This change was identified by staff to allow for a consistent and efficient review. Proposed modifications include:

- Update Section 20.25.010 (Certificates of Appropriateness, Generally) to identify when a COA is required. This includes relocation of text from Chapter 20.50 (Definitions) for clarity on the standards without having to refer to the definition.

Text moved includes that related to alterations, non-contributors to Historic District, and non-contributors to Neighborhood Conservation Areas.

- Update Section 20.25.015 (Certificates is Appropriateness Not Required) to include existing text from the current Section 20.25.010 related to Cultural Resources determined to present an unsafe or dangerous condition constituting an imminent threat. This modification will clearly define when a COA is not required.
- Update Section 20.25.020 (Application) to include text related to application submittal requirements, applicant requested workshops, and application completeness review. The proposed amendment will codify existing procedures for the review of applications and provide consistency with Title 19. Applicant requested workshops, the current practice of holding a workshop to get input from CHB on projects prior to final action, is being codified.
- Update Section 20.25.025 (Board Certificates of Appropriateness) to identify the CHB is responsible for a COA if not included in the list of projects that are identified for administrative review.
- Update Section 20.25.030 (Administrative Certificates of Appropriateness) to streamline processes and clarify intent. Minor projects such as fencing, signage, exterior lighting, and landscaping are proposed to be included in the list of projects at City Landmarks that can be reviewed administratively. Two-story Accessory Dwelling Units (ADU) at any Cultural Resource, except Landmarks, is proposed to be added to be consistent with state law requiring ministerial review of ADUs.
- Update Section 20.25.050 (Principle and Standards of Site Development and Design Review to establish principles that would be applied based on the designation level of the property, including 1) principles for individually significant cultural resources, 2) contributors to historic districts and neighborhood conservation areas, and 3) non-contributors to historic districts. The principles provide review parameters for compatibility factors that have the potential to impact the Cultural Resources as an individual resource or as a collective resource (e.g., historic district).
 - Principles for individual resources focuses on the character-defining features of the structure itself.
 - Principles for historic districts and neighborhood conservation areas, focus on the character-defining features of the neighborhood on the whole.
 - For non-contributing features in historic districts and at individually significant features, currently Title 20 Definitions (Section 20.50) indicates "the principles, issues and standards are different than for contributing features." Standard and principles were not previously established for non-contributing features and are being established as part of this amendment.
- Update Section 20.25.060 remove references to specific Appeals sections of Title 20 proposed to be modified.

CHAPTER 20.26 – ARCHAEOLOGICAL AND TRIBAL CULTURAL RESOURCES

A new Chapter 20.26 is being proposed to establish project site conditions that would trigger the requirement of a Cultural Resources Report to reflect the current practice. Codifying these requirements will provide consistency and predictability for applicants.

California Assembly Bill (AB)-52 requires Tribal Consultation to be completed for all projects subject to CEQA review. California Senate Bill (SB)-18 required Tribal Consultation for all General Plan and Specific Plan amendments. The new chapter specifies that Tribal Consultation on projects are to be conducted in accordance with CEQA.

CHAPTER 20.40 – ENFORCEMENT AND PENALTIES

Modifications to Chapter 20.40 clarify the remedies for addressing violations of Title 20, specifically projects being completed without a COA, are proposed. Revisions to Section 20.40.050 are proposed to specify that retroactive Certificates of Appropriateness, either Administrative or Board Issued, are to be reviewed in compliance with the procedures established in Chapter 20.25 (Certificate of Appropriateness).

CHAPTER 20.45 – AMENDMENT AND SEVERABILITY

Proposed changes to Chapter 20.40 clarify the procedures to amend Title 20. Staff identified that the amendment procedures established in Section 20.45.020 makes reference to the Zoning Code. The proposed amendment will remove this reference. The finding that specifying no adverse effect on surrounding properties is modified as amendments to Title 20 will apply to all properties identified as Cultural Resources and will not impact neighboring properties.

CHAPTER 20.50 – DEFINITIONS

Amendments to Chapter 20.40 proposes to remove procedural and standards information to clarify definitions. Text related to processes and procedures was included in the various definitions, including but not limited to Alterations, Cultural Resources Overlay Zone, and Non-Contributors. The proposed amendment moves these requirements to the appropriate Chapters of the Title where they can be easily found.

A revision the Structure of Merit Criteria definition is proposed to eliminate redundancies with Criterion #4 and #6 as both specify that that a resource that meets one of the Landmark eligibility criteria, but no longer retains sufficient integrity, would be eligible as a Structure of Merit. The proposed amendment would eliminate the existing Criterion #4 and renumber the remain criteria.

PUBLIC OUTREACH AND COMMENT

A Public Hearing notice was published in the Press Enterprise, at least ten days prior to the meeting. As of the writing of this report, no responses have been received by Staff regarding this proposal.

ENVIRONMENTAL REVIEW

The proposed amendments are exempt from additional California Environmental Quality Act (CEQA) review pursuant to Sections 15308 (Actions to Protect Environment), 15060(c)(2) (No Physical Change), 15060(c)(3) (Not A Project), and 15061(b)(3) (General Rule), as the proposed amendment will cause no direct or indirect change to the environment, does not meet the definition of a Project under CEQA, and it can be seen with certainty that the proposed amendment will not have an effect on the environment.

FINDINGS

Cultural Resources Code Amendment Findings pursuant to Chapter 20.45.020:

- 1) The proposed amendment is generally consistent with the goals, policies, and objectives of the general plan;
- 2) The proposed amendment will not adversely affect surrounding properties; and
- 3) The proposed amendment complies with the purposes of this title as set forth in Chapter 20.05.

STRATEGIC PLAN

This item contributes to the Envision Riverside 2025 City Council Strategic Priority 2 – Community Well Being (Goal 2.3 – Strengthen neighborhood identities and improve community health and the physical environment through amenities and programs that foster an increased sense of community and enhanced feelings of pride and belonging citywide).

This item aligns with the following Cross-Cutting Threads:

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

APPEAL INFORMATION

Actions by the Cultural Heritage Board, including any environmental finding, may be appealed to the City Council within ten calendar days after the decision. Appeal filing and processing information may be obtained from the Planning Department Public Information Section, 3rd Floor, City Hall.

EXHIBITS

1. Table - Staff Recommended Title 20 Modifications
2. Title 20 Update - Redline

Prepared by: Scott Watson, Historic Preservation Officer
Approved by: Mary Kopaskie-Brown, City Planner