

TITLE 20 UPDATE – COMPREHENSIVE PR-2021-001145

Community & Economic Development Department

Land Use, Sustainability, and Resilience Committee

November 13, 2023

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BACKGROUND

- 2017 – Revisions & clarification
- September 2021 – November 2021 – Workshops
- February 2022 – Subcommittee formed
- May 2023 – Workshop on proposed amendments.
- June 21, 2023 – CHB Public Hearing

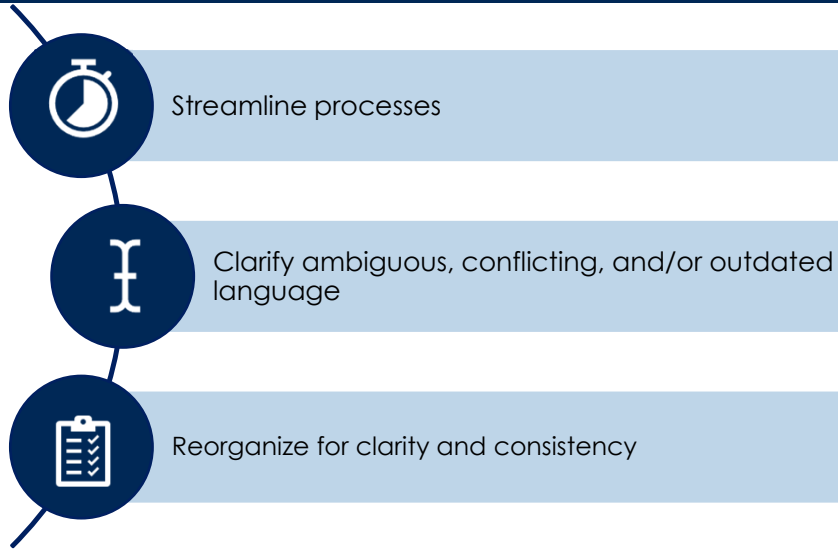


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PURPOSE



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AMENDMENT 1: APPROVALS AND APPEAL AUTHORITY

CODE SECTION	<ul style="list-style-type: none">20.15.010 (Approval Authority Table)
CURRENT	<ul style="list-style-type: none">CHB action appealed to LUSRCHPFC not listed
PROPOSED	<ul style="list-style-type: none">Add HPFCAppeals direct to CCAdd referral



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AMENDMENT 2: CEQA REVIEW

CODE SECTION	<ul style="list-style-type: none"> • 20.15.020 (California Environmental Quality Act Review)
CURRENT	<ul style="list-style-type: none"> • No process for non-CHB approved ND or MND with Cultural Resources Impacts
PROPOSED	<ul style="list-style-type: none"> • Process added for ND/MND • Added EIR Review text from the City's CEQA Resolution (No. 21106) • Added CEQA appeals process



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AMENDMENT 3: NOTICING

CODE SECTION	<ul style="list-style-type: none"> • 20.15.030 (Public Hearing and Notice) • 20.15.040 (Meeting and Notice for Certificates of Appropriateness by Board) • 20.15.050 (Meeting and notice for Administrative Certificates of Appropriateness)
CURRENT	<ul style="list-style-type: none"> • Recognition of POCl not Included in Public Hearings • COA noticing to adjacent properties
PROPOSED	<ul style="list-style-type: none"> • Add recognitions to the Public Hearing requirements • Increase noticing to 300 ft • Add individual and entity requests



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AMENDMENT 4: HISTORIC DESIGNATIONS

CODE SECTION	<ul style="list-style-type: none"> • 20.20.020 (Designation Application) • 20.20.080 (Overlay Zone) • 20.20.120 (Designation Process Flow Chart Form)
CURRENT	<ul style="list-style-type: none"> • Written owner consent required • Cultural Resources Overlay Zone applied to historic designated properties
PROPOSED	<ul style="list-style-type: none"> • Add City Council override of owner opposition, by 5/7s vote • Revise CR Overlay Zones text for clarity • Remove flow chart



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AMENDMENT 5: COA APPLICATION PROCESS

CODE SECTION	<ul style="list-style-type: none"> • 20.25.020 (Application) • 20.25.021 (Preliminary Review)
CURRENT	<ul style="list-style-type: none"> • Application procedures not fully detailed
PROPOSED	<ul style="list-style-type: none"> • Revise application process • Add CR report requirement • Add preliminary review process

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CERTIFICATE OF APPROPRIATENESS

The Cultural Heritage Certificate of Appropriateness process applies to historic and potentially significant historic properties and is intended to assure that the historic integrity of these properties is maintained whenever exterior improvements are made. Municipal Code Title 20 provides the authority and standards of this process.

- All projects should demonstrate compliance with Title 20 and the Historic District Design Guidelines (copies of both documents are available upon request or online at <https://www.riversideca.gov/cedd/planning/historic-preservation/modifying-historic-preservation-and-mills-act-act.aspx>)
- Title 20 outlines when an Administrative or Board Case is required; see Chapter 20.25.
- Please make sure someone with authority regarding property ownership and ability to make decisions is present at the Cultural Heritage Board Meeting (if applicable).
- We will mail our report regarding your application twelve days preceding the scheduled hearing (if applicable).
- Please make sure your application is complete per the following checklist.

PROCEDURES

Administrative Review: City staff reviews an application to ensure that all of the required information is provided and evaluates the project including a preliminary review of the project's impact to the associated cultural resources. At the end of this 30-day review period, staff provides written comments identifying deficiencies that need to be addressed or deeming the project "complete" to move onto the next phase of review. If the application is complete, your application will be reviewed for historic compatibility and compliance with Title 20 of the Riverside Municipal and the Citywide Historic Preservation Design Guidelines. Within 30 days staff will provide a written determination for the project.

Cultural Heritage Board Review: This review mirrors that of the Administrative Review, but the final determination on the project will be by the Cultural Heritage Board rather than staff. Once the application deemed is "complete," staff schedules the application for a Public Meeting before the Cultural Heritage. This process usually takes 6-8 weeks. The Cultural Heritage Board meets on the third Wednesday of the month. All legal notices is prepared as required by state law and the meeting is scheduled. There are very minor or no plan changes during this phase. Staff prepares the staff report and a copy of the staff report is sent to you twelve days prior to the public meeting.

FILING FEES

See current fee schedule (filing fees are generally non-refundable). Additional fees may be required to be submitted PRIOR to scheduling a project for hearing. Check with the Planning Division for current fees.



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AMENDMENT 6: COA REVIEW PROCESS

CODE SECTION	<ul style="list-style-type: none"> 20.25.030 (Administrative Certificates of Appropriateness)
CURRENT	<ul style="list-style-type: none"> Section 20.25.030 identifies Admin COA projects Section 20.25.050 provided standards for review
PROPOSED	<ul style="list-style-type: none"> Revise admin COA list Revise Principles and Standards of Site Development and Design Review



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AMENDMENT 7: ARCHAEOLOGICAL AND TCR

CODE SECTION	<ul style="list-style-type: none"> Chapter 20.26 (Archaeological and Tribal Cultural Resources)
CURRENT	<ul style="list-style-type: none"> None codified process for requiring CR reports
PROPOSED	<ul style="list-style-type: none"> Codify existing practices for CR report requirement on Planning Entitlements Specifies that Tribal Consultation in accordance with CEQA.



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AMENDMENT 8: ENFORCEMENT & PENALTIES

CODE SECTION	<ul style="list-style-type: none"> • 20.40.050 (Remedies) • 20.40.080 (Code Enforcement Updates)
CURRENT	<ul style="list-style-type: none"> • Section 20.40.050 outlines the remedy process for Title 20 violations.
PROPOSED	<ul style="list-style-type: none"> • Clarify remedy implementation • Code Enforcement case updates to CHB



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AMENDMENT 9: STRUCTURE OF MERIT

CODE SECTION	<ul style="list-style-type: none"> • 20.50 (Definitions)
CURRENT	<ul style="list-style-type: none"> • Structure of Merit criteria redundant and ambiguous.
PROPOSED	<ul style="list-style-type: none"> • Revise criteria for clarity



Image source: The Great Bend Tribune

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POLICY CONSIDERATION 1: MINISTERIAL PROJECT NOTICING



CODE SECTION: 20.15.050.D

CURRENT	PROPOSED	RESULTS
<ul style="list-style-type: none"> • 10-day notice • No noticing for Ministerial Review 	<ul style="list-style-type: none"> • Require noticing for Ministerial review 	<ul style="list-style-type: none"> • Increase public awareness • Notice information only • Action not appealable • Increase processing time • Requires further research on State Mandated timeline consistency



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POLICY CONSIDERATION 2: ELIMINATE OWNER CONSENT



CODE SECTION: 20.20.020

CURRENT	PROPOSED	RESULTS
<ul style="list-style-type: none"> • Written consent required • Current amendment includes CC override 	<ul style="list-style-type: none"> • Remove owner consent and override 	<ul style="list-style-type: none"> • Increase protection of historic structures • Add regulations and review • Increase time for modifications • Increase cost for modifications • No consent



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POLICY CONSIDERATION 3: DEMOLITION REVIEW



CODE SECTION: 20.25.010 & 20.50.010

CURRENT	PROPOSED	RESULTS
<ul style="list-style-type: none"> • COA required for historic structures • Non-COA for non-historic • HP staff reviews demo request for historic status 	<ul style="list-style-type: none"> • Add 30-day notice for all demo • Add on structure notice • Provides alternate demolition definition • Add demolition by neglect 	<ul style="list-style-type: none"> • Increase Public awareness • Increased review time on all demolition • Increased property owner cost • Enforcement of historic property maintenance



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POLICY CONSIDERATION 4: PRELIMINARY REVIEW



CODE SECTION: 20.25.021

CURRENT	PROPOSED	RESULTS
<ul style="list-style-type: none"> • CHB preliminary review not included • Staff preforms initial review • Applicant can request • Current amendment adds for Landmark & SOM 	<ul style="list-style-type: none"> • Expands preliminary review to all CHB projects • Add CHB review to all project valued above \$250,000 	<ul style="list-style-type: none"> • Increase Public awareness • Allows CHB early opportunity for feedback • Increase processing time • Increase applicant cost • Adds CHB review to all projects visible from the public right-of-way



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STRATEGIC PLAN ALIGNMENT



Strategic Priority No. 2 – Community Well-Being

Goal No. 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.

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RECOMMENDATIONS

That the Land Use, Sustainability, and Resilience Committee:

1. Recommend that City Council:

- a) 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;
- a) Approve Planning Case PR-2021-001145 (Title 20 Text Amendment) as outlined in the staff report and summarized in the Findings Section of this report; and
- b) Introduce, and subsequently adopt, an Ordinance amending Title 20 (Cultural Resources) of the Riverside Municipal Code.

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RECOMMENDATIONS

That the Land Use, Sustainability, and Resilience Committee:

2. Provide direction regarding the four policy areas recommended by the Cultural Heritage Board.



PROPOSED AMENDMENTS

(FOR REFERENCE)

AMENDMENT #	1 – Approvals & Appeal	2 – CEQA Review	3 – Noticing	4 – Historic Designations	5 – COA Applications
CURRENT	<ul style="list-style-type: none"> • HPFC not included • Appeals to LUSR 	<ul style="list-style-type: none"> • ND/MND not clear 	<ul style="list-style-type: none"> • POCl not in Public Hearings • COA noticing adjacent 	<ul style="list-style-type: none"> • Owner consent • CR Overlays 	<ul style="list-style-type: none"> • Vague application process
PROPOSED CHANGES	<ul style="list-style-type: none"> • Add HPFC • Remove LUSR • Add CC referral 	<ul style="list-style-type: none"> • Clarify ND/MND process • Add CEQA resolution language • Add CEQA appeal 	<ul style="list-style-type: none"> • Add POCl • 300-foot noticing • Add noticing requests 	<ul style="list-style-type: none"> • Add CC override of consent • Revise CR Overlays • Remove flow chart 	<ul style="list-style-type: none"> • Clarify applications • Add CR Report Req. • Add preliminary review



PROPOSED AMENDMENTS

(FOR REFERENCE)

AMENDMENT #	6 – COA Review	7 – Archaeology & TCR	8 – Enforcement & Penalties	9 – Structure of Merit
CURRENT	<ul style="list-style-type: none"> Admin COAs list Standards for review 	<ul style="list-style-type: none"> Not addressed 	<ul style="list-style-type: none"> POCI not in Public Hearings COA noticing adjacent 	<ul style="list-style-type: none"> Criteria vague
PROPOSED CHANGES	<ul style="list-style-type: none"> Revise Admin COA list Revise Standards for review 	<ul style="list-style-type: none"> Add chapter Codify current CR Report req. Specify Tribal Consultation per CEQA 	<ul style="list-style-type: none"> Clarify remedy Update CHB 	<ul style="list-style-type: none"> Clarify Remove redundances



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