

TITLE 20 PROPOSED UPDATES

AUGUST 2021

CHB RECOMMENDATIONS (HIGHLIGHTED IN YELLOW)

**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 ensure compliance with the California Environmental Quality Review Act (CEQA) and Section 106 of the National Historic Preservation Act (NHPA).

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

CHAPTER 20.10
AUTHORITY AND RESPONSIBILITIES

SECTIONS:

20.10.010 BOARD CREATED -- MEMBERSHIP.

20.10.020 POWERS AND DUTIES OF BOARD.

20.10.030 DUTIES OF THE HISTORIC PRESERVATION OFFICER.

Section 20.10.010 Board Created - Membership.

Pursuant to the provisions of Article VIII of the City Charter, a Cultural Heritage Board (Board) has been created by the City Council. The Board shall be composed of nine (9) members appointed by the Mayor and the City Council. Board Members shall have the duties and functions set forth in this Title.

- A. All members must have a prior demonstrated interest, competence, or knowledge of historic preservation.
- B. No less than two members should be professionals in architecture, history, architectural history, planning, prehistoric and historic archaeology, folklore, cultural anthropology, curation, conservation, landscape architecture, American studies, American civilization or cultural geography, to the extent that such professionals are available in the community.
- C. The Board shall elect officers and establish its own rules and regulations which shall be consistent with the Charter, the City Council meeting rules, and this Code. The Planning Division shall provide the necessary staff and support to administer the activities of the Board. The Board shall keep a copy of its procedures with the Planning Division.

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

Section 20.10.020 Powers and Duties of Board.

- A. The Cultural Heritage Board shall:
 - 1. Recommend to the City Council:
 - a) The designation of Landmarks, Historic Districts, Structures (or Resources) of Merit;
 - i. The recognition of Points of Cultural Interests, and
 - ii. Any additional matters pursuant to the provisions of this Title;
 - 2. Make recommendations to the City Council on surveys of cultural resources within the City, in conformance with State Office of Historic Preservation survey standards and guidelines.
 - 3. 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;
 - 4. Consult with and advise the City Council about the Board's duties and functions;
 - 5. 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;

6. Have discretionary authority to review and approve applications and actions to alter, relocate or demolish cultural resources pursuant to the provisions of this Title;
7. Adopt standards including preservation guidelines to be used by the Board in reviewing applications for permits to preserve, alter, relocate or demolish any cultural resource;
8. Hear appeals on the determination of the Historic Preservation Officer, or Qualified Designee, on Administrative Certificates of Appropriateness;
9. Hear appeals taken from formal interpretations made by the Historic Preservation Officer or Qualified Designee;
10. Accept referrals from the Historic Preservation Officer or Qualified Designee;
11. As it relates to the Board's CEQA review responsibilities:
 - a) Assess and advise the City Council whether any proposed project would result in a substantial adverse change to the significance of a historical resource; and
 - b) Recommend to the City Council appropriate action in compliance with the City's adopted CEQA procedures;
12. Work **towards** the continuing education of the citizens of Riverside about the heritage of the City and its cultural resources; and
13. Encourage public participation in the Cultural Resources program to identify and inventory significant cultural resources in the City.
14. The Cultural Heritage Board may:
 - a) Recommend zoning and general plan amendments for cultural resources preservation;
 - b) Conduct an awards program to recognize and encourage public participation in Cultural Resource efforts; and
 - c) Nominate eligible City-owned cultural resources for listing in the Local Register, California Register of Historic Resources, or National Register of Historic Places, and encourage, advise, and guide persons in nominating cultural resources to local, state, and national registers .

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

20.10.030 Duties of the Historic Preservation Officer.

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

- A. Advise the City Council on historic preservation easements, property tax incentives (Mills Act), or other Cultural Resource preservation mechanisms;
- B. Execute the Administrative Certificate of Appropriateness process;
- C. Provide professional support to the Board;
- D. Assist and support the Board in meeting Certified Local Government requirements;
- E. Manage the Board's Certificate of Appropriateness process;

- F. Administer the Cultural Resources program;
- G. Compile and maintain a current inventory of all Cultural Resources (designated and eligible) and Points of Cultural Interests; and maintain a database of other properties as appropriate.
- H. 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;
- I. Determine when Cultural Resource reports for specific projects are required pursuant to this Title and/or CEQA.
- J. Identify and advise appropriate City departments and governmental entities of known historical, cultural, and archaeological resources; and
- K. Coordinate the activities with Riverside County, the State of California, and the federal government.

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

**CHAPTER 20.15
APPROVALS AND HEARINGS**

SECTIONS:

- 20.15.010 APPROVAL AUTHORITY – TABLE.**
- 20.15.020 ADMINISTRATIVE CERTIFICATES OF APPROPRIATENESS.**
- 20.15.030 BOARD CERTIFICATES OF APPROPRIATENESS MEETING AND NOTICE.**
- 20.15.040 HPFC GRANT APPLICATION - MEETING AND NOTICE.**
- 20.15.050 MILLS ACT APPLICATIONS - MEETING AND NOTICE.**
- 20.15.060 DESIGNATION OF A STRUCTURE (OR RESOURCE) OF MERIT, LANDMARK OR HISTORIC DISTRICT - PUBLIC HEARING AND NOTICE.**
- 20.15.065 MODIFICATION OR DE-DESIGNATION OF **A CULTURAL RESOURCE**– PUBLIC HEARING AND NOTICE.**
- 20.15.070 RECOGNITION OF POINTS OF CULTURAL INTEREST – PUBLIC HEARING AND NOTICE.**
- 20.15.080 CULTURAL RESOURCE SURVEY - MEETING AND NOTICE.**
- 20.15.085 CALIFORNIA ENVIRONMENTAL QUALITY ACT (CEQA) APPROVAL.**
- 20.15.090 APPEALS AND REFERRALS.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	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)
Administrative Discretionary Permits/Actions (No Public Hearing Required)							
Administrative Certificate of Appropriateness	F		A/AR			A/F	
Discretionary Permits and Actions (Public Meeting or Hearing Required)							
Board Certificate of Appropriateness			F ⁽³⁾			A/F	

Table 20.15.010 - Approving and Appeal Authority							
Type of Permit or Action	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)
HPFC – Grant Application		F				A/F	
Legislative Actions (Public Hearing Required)							
Mills Act Application					F		
Designation of a Structure (or Resource) of Merit, Landmark or Historic District			R				A/F
Modification or De-designation of a Cultural Resource – Public Hearing and Notice			R				A/F
Recognition of a Point of Cultural Interest			R				A/F
Cultural Resources Survey			R				A/F
R = Recommending Authority; F = Final Approving Authority (unless appealable); A = Appeal Authority; AR = Approving Authority on HPO Referral							
Notes:							
(1) Decisions of the City Council are final and cannot be appealed.							
(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.							
(3) The Cultural Heritage Board is the final authority unless an EIR is being processed, in which case the final authority is City Council.							

(Ord. 7206, 2013; Ord. 7108 §1, 2010; Ord. 7042 §1, 2009; Ord. 6786 §9, 2005; Ord. 6263 §1 (part), 1996)

Section 20.15.020 Administrative Certificates of Appropriateness.

- A. No Public Hearing is required.
- B. The application shall be considered by the Historic Preservation Officer or Qualified Designee administratively.
- C. Within sixty (60) days, the Historic Preservation Officer or Qualified Designee must act upon a complete application or refer the application to the Board.

Section 20.15.030 Board Certificate of Appropriateness - Meeting and Notice.

- A. No Public Hearing is required.
- B. The application shall be set as a discussion calendar item for the Board meeting.

- C. Upon the filing or referral of a complete application, a matter shall be set for a Board meeting within ninety (90) days.
- 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.
- E. The Board may continue a matter if additional information (e.g. Board subcommittee referral) is required per this Chapter or at the request of the applicant.
- F. Notice shall be given to the property owner and to the owners of adjacent properties and those across a street or alley at least ten (10) days prior to the meeting.
- G. Joint Notices.
 - 1. Notice for any structure relocations shall made concurrently with and in the same manner required by Chapter 16.20.
 - 2. The area noticed shall be as required by Chapter 16.20, or a 450-foot radius at the destination site, whichever is greater.

(Ord. 7108 §1, 2010)

Section 20.15.040 HPFC Grant Application - Meeting and Notice.

- A. No Public Hearing is required.
- B. The HPFC meetings shall be held at City Hall, during regular business hours.
- C. Notice shall be given to property owner and to the owners of adjacent properties and those across a street or alley.

(Ord. 7206 §7, 2013)

Section 20.15.050 Mills Act Applications - Meeting and Notice.

- A. No Public Hearing is required.
- B. The City Council shall approve or deny the application as a consent item or discussion item. (See also § 20.30.020.)
- C. Notice of City Council meeting shall be sent to the property owner.

(Ord. 7206 §6, 2013; Ord. 7108 §1, 2010)

Section 20.15.060 Designation of a Structure (or Resource) of Merit, Landmark or Historic District - Public Hearing and Notice.

- A. All designations, modifications of designations, and/or de-designations require a Public Hearing (“Hearing”).
- B. Upon the filing of a complete application, a matter shall be set for Hearing before the Board within ninety (90) days.
- C. The Board may continue a Hearing if additional information is required per this Chapter or at the request of the applicant.
- 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 of real property on the latest records of the County Assessor within 300 feet of the subject real property.
 - c) 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.
2. All notices 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 20.15.065 Modification or De-designation of a Cultural Resources— Public Hearing and Notice.

- A. All modifications of designations, and/or de-designations require a Public Hearing (“Hearing”).
- B. Upon the filing of a complete application, a matter shall be set for Hearing before the Board within ninety (90) days.
- C. The Board may continue a Hearing if additional information is required per this Chapter or at the request of the applicant.
- 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 of real property on the latest records of the County Assessor within 300 feet of the subject real property.
 - c) 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.
 2. All notices 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 20.15.070 Recognition of Points of Cultural Interest – Public Hearing and Notice.

- A. All recognitions and derecognitions require a Public Hearing (“Hearing”).

- B. Upon the filing of a complete application, a matter shall be set for meeting before the Board within ninety (90) days.
- C. 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 of real property on the latest records of the County Assessor within 300 feet of the subject real property.
 - c) 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.
 - 2. All notices 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 recognition.

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

Section 20.15.080 Cultural Resource Surveys - Meeting and Notice.

- A. No Public Hearing is required.
- B. The City Council may adopt the Cultural Resource Survey findings.
- C. Notice of the City Council action taken shall be sent to owners of affected properties.

(Ord. 7108 §1, 2010)

Section 20.15.085 California Environmental Quality Act (CEQA) Approval.

- A. Environmental Impact Report (EIR) Required:
 - 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, and approve, approve with modification, or deny the project.
 - ii. If the Board's decision is not appealed, then the decision becomes final.
 - iii. If the decision is appealed, it becomes final upon the City Council's disposition of the appeal.
- b) City Council Final Approval Authority:
- i. The Board shall review the Draft ND or MND, as it relates to Cultural Resources only, and provide comments, together with its recommendation that the project be approved, approved with modifications, or denied.
 - ii. The City Council shall consider the Board's comments and recommendation, and may accept, accept with modification, or decline the Board's recommendation.

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

Section 20.15.090 Appeals and Referrals.

A. Appeals

1. Administrative action.

- a) Any person aggrieved or affected by an Administrative Certificate of Appropriateness decision may appeal that decision to the Board within ten days of the Historic Preservation Officer, or Qualified Designee, 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 be scheduled for the next available Board meeting.
- f) The Board may recommend that the City Council affirms, reverses or modifies the Historic Preservation Officer, or Qualified Designee, decision.
- g) Board decisions are final unless appealed.
- 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 set forth the grounds for the appeal.
- 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 be scheduled for the next available City Council meeting.
- 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 Board action.

- a) The Mayor or any member of the City Council may refer the matter for consideration on the City Council's discussion calendar agenda by notifying the Community & Economic Development Director.
- b) 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)

Section 20.15.100 Effective Date.

- A. Certificates of Appropriateness shall be effective the first regular business day after the end of the 10-day appeal period. Filing of an appeal stays the effective date pending action on the appeal.
- B. Designation, modification, and de-designation of a Structure (or Resource) of Merit, Landmark or Historic District; modification or de-designation of Neighborhood Conservation Area; recognition, modification, or de-recognition of a Point of Cultural Interest shall be effective on the next City business day following City Council action.

(Ord. 7108 §1, 2010)

Section 20.15.110 Time Limits.

Any Certificate of Appropriateness shall become null and void if not exercised within the time limit specified in the approving document or within one year if no time has been specified.

(Ord. 7108 §1, 2010)

Section 20.15.120 Time Extensions.

The Historic Preservation Officer, or Qualified Designee, may administratively extend the term of a Certificate of Appropriateness or Historic Preservation Fund Grant agreement for one year, no more than twice.

(Ord. 7206 §9, 2013; Ord. 7108 §1, 2010)

Section 20.15.130 Approvals to Run with Land.

Certificates of Appropriateness and other approvals under this Title are transferred upon a change of ownership of the site, business, service, use or structures, provided that the conditions of the original Certificate or approval are fully complied with, and the project is not modified.

(Ord. 7108 §1, 2010)

Section 20.15.140 Approval(s) On Site during Construction.

A copy of all Certificates of Appropriateness or any other approval under this Title shall be kept on site at all times during construction and made available upon request by an official of the City.

(Ord. 7108 §1, 2010)

CHAPTER 20.20

DESIGNATION OF A STRUCTURE (OR RESOURCE) OF MERIT, LANDMARK OR HISTORIC DISTRICT

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.**
- 20.20.120 DESIGNATION PROCESS IN FLOW CHART FORM.**

Section 20.20.010 Designation Criteria.

The criteria to designate, modify the status of, or de-designate Structures (or Resources) of Merit, Landmarks or Historic Districts, and to modify or de-designate Neighborhood Conservation Areas, are set forth in their definitions in this Title.

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

Section 20.20.020 Designation Application.

The Board, City Council, or any Person may apply for the designation, modification, or de-designation of a Landmark, Structure (or Resource) of Merit, Historic District, or modification or de-designation of Neighborhood Conservation Area status. Applications for designation, modification, or de-designation 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 (de-designated), 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 20.20.030 Factual Investigation.

The Historic Preservation Officer, or Qualified Designee, and/or the Planning Division shall make a factual investigation for the designation, modification, or de-designation as it deems appropriate.

(Ord. 7206 §10, 2013; Ord. 7108 §1, 2010; Ord. 6263 §1 (part), 1996)

Section 20.20.040 Board Recommendation.

At a Public Hearing, the Board shall make a recommendation based upon the applicable criteria from this Title. The Board shall forward its recommendation to the City Council.

(Ord. 7206 §11, 2013; Ord. 7108 §1, 2010; Ord. 6263 §1 (part), 1996)

Section 20.20.050 City Council; Resolution.

Based upon the facts before it and the criteria in this Title, the City Council may accept, modify, or reject the Board's recommendation. The City Council, in its discretion, based upon the facts and findings before it, shall designate, de-designate, or modify the status of a Landmark, Structure or Resource of Merit, or Historic District, or modify or de-designate a Neighborhood Conservation Area, by a numbered resolution setting forth the relevant facts, criteria and findings supporting its actions.

(Ord. 7206 §12, 2013; Ord. 7108 §1, 2010; Ord. 6263 §1 (part), 1996)

Section 20.20.060 Notice of City Council Action.

A notice of the City Council action shall be sent to the property owner(s). The Planning Division shall update the City's Historic Resources Inventory Database and maps to show the designation, modification, or de-designation status.

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

Section 20.20.070 Recording Resolutions.

The City Clerk shall record all designation-, modification-, or de-designation-related resolutions with the Riverside County Recorder.

(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.

Section 20.20.090 Landmark Plaques and Covenants.

- A. All Landmarks shall display and maintain a plaque identifying the Landmark, as provided in a Covenant and Agreement, recorded with the County Recorder.
- B. Plaque text shall be reviewed and approved by the Historic Preservation Officer, or Qualified Designee.

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

Section 20.20.100 De-designation.

The procedure to modify or repeal the designation of designated Landmarks, Structures (or Resources) of Merit, Historic Districts, and modify or repeal the designation of Neighborhood Conservation Areas is the same procedure used to designate those resources, as set forth in this Chapter.

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

Section 20.20.110 Appeal.

For appeals of a Board recommendation on any designation, modification, or de-designation under this Chapter. City Council actions are final and non-appealable.

(Ord. 7206 §13, 2013; Ord. 7108 §1, 2010; Ord. 6263 §1 (part), 1996)

CHAPTER 20.21

RECOGNITION OF POINTS OF CULTURAL INTEREST

SECTIONS:

20.21.010 RECOGNITION CRITERIA.

20.21.020 RECOGNITION APPLICATION.

20.21.030 FACTUAL INVESTIGATION.

20.21.040 BOARD RECOMMENDATION.

20.21.050 CITY COUNCIL; RESOLUTION.

20.21.060 NOTICE OF CITY COUNCIL ACTION.

20.21.070 PLAQUES.

20.21.080 DE-RECOGNITION

20.21.090 APPEAL

Section 20.21.010 Recognition Criteria.

The purpose of Points of Cultural Interest is to recognize otherwise-intangible historic facts about a place in the City that are strictly informational in nature.

- A. The criteria to recognize a Point of Cultural Interest are set forth in the definition in this Title.
- B. Points of Cultural Interest are recognized, not designated, and do not qualify as a Cultural Resource.
- C. Points of Cultural Interest are specifically and expressly intended to not have any significance under the 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.

(Ord. 7344 §1, 2016)

Section 20.21.020 Recognition Application.

The Board, City Council, or any Person may apply for the recognition, modification, or de-recognition of a Point of Cultural Interest. Applications for recognition, modification, or de-recognition shall be on forms provided by the Planning Division.

(Ord. 7344 §1, 2016)

Section 20.21.030 Factual Investigation.

The Historic Preservation Officer, or Qualified Designee, and/or the Planning Division shall make a factual investigation for the recognition, modification, or de-recognition as it deems appropriate.

(Ord. 7344 §1, 2016)

Section 20.21.040 Board Recommendation.

At a Public Hearing the Board shall make written a recommendation based upon the applicable criteria from this Title. The Board shall forward its recommendation to the City Council.

(Ord. 7344 §1, 2016)

Section 20.21.050 City Council; Resolution.

Based upon the facts before it and the criteria in this Title, the City Council may accept, modify, or reject the Board's recommendation. The City Council, in its discretion, based upon the facts and findings before it, shall recognize, derecognize, or modify the recognition of a Point of Cultural Interest, by a numbered resolution setting forth the relevant facts, criteria and findings supporting its actions.

(Ord. 7344 §1, 2016)

Section 20.21.060 Notice of City Council Action.

A notice of the City Council action shall be sent to the owner(s) of property where the Point of Cultural Interest is located. Notice shall be given according to this Title. Though not a Cultural Resource, for the convenience of Planning Department Staff and the public, the Planning Division shall update the City's Historic Resources Inventory Database and maps to show the recognition, modification, or de-recognition of a Point of Cultural Interest.

(Ord. 7344 §1, 2016)

Section 20.21.070 Point of Cultural Interest Plaques.

A plaque, or other interpretive device satisfactory to the City, shall be erected to recognize and explain the Point of Cultural Interest.

(Ord. 7344 §1, 2016)

Section 20.21.80 De-recognition.

The procedure to modify or repeal the recognition of a Point of Cultural Interest is the same procedure used to recognize those resources, as set forth in this Chapter.

(Ord. 7344 §1, 2016)

Section 20.21.90 Appeal.

For appeals of a Board recommendation on any recognition, modification, or de-recognition of a Point of Cultural Interest under this Chapter. City Council actions are final and non-appealable.

(Ord. 7344 §1, 2016)

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.**
- 20.25.025 BOARD CERTIFICATE OF APPROPRIATENESS.**
- 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.**
- 20.25.080 CERTIFICATE OF APPROPRIATENESS PROCESS IN FLOW CHART FORM.**

Section 20.25.010 Certificates of Appropriateness Required.

- A. In addition to any and all 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 or Neighborhood Conservation Area (contributing and non-contributing).
- 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.

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:
 - i. The counsel to so defend the City;
 - ii. All significant decisions concerning the manner in which defense is conducted; and
- e) Any and all settlements, which approval shall not be unreasonably withheld.
- f) 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.
 - b) The City shall notify the applicant of its intention to deem the application inactive at least 30 calendar days prior to determination.
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 Certificate 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 Resource, excluding Landmarks:
 - 1. One-story additions to a single story structures, two-story additions to two-story structures auxiliary structures or similar (excluding attached garages) 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. Demolition 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.
 - 3. In Historic Districts, for Non-contributing Features and Non-contributors:
 - a) Demolition.
 - b) New and in-fill construction that is two-stories or less within a residential areas or four-stories or less in commercial areas.
 - c) Additions under 100% increase.
- B. For any Cultural Resource, including Landmarks:
 - 1. New or replacement fences, walls, awnings, signs, and/or exterior lighting.
 - 2. Exterior painting of designated commercial properties and/or designated landmarks, including only those surfaces that were originally intended to be painted and excluding all other surfaces, such as brick, concrete, and stone
 - 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 non-contributing landscape features, such as walkways, planter walls, fountains, and in certain circumstances mature foliage, that contribute to the historic character of the property but are not designated or listed as contributing to a designated resource.
 - 5. New paving for driveways, walkways and/or patios, and the addition of or alteration to driveway approaches, subject to WQMP requirements.
 - 6. The removal of inappropriate additions or alterations to restore the original appearance of a structure.
- C. Under A and B above, the Historic Preservation Officer, or Qualified Designee, may waive noticing requirements and/or formal application forms for cases that are immediately

determined to meet all required findings because they involve alterations deemed insignificant or having no impact on the significance or integrity of the Cultural Resource.

(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 Cultural Resource, such as colors, textures, materials, fenestration, decorative features, details, height, scale, or massing;
 - 2. That the proposed project will 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 the site context of the Cultural Resource related to grading, site development, orientation of buildings, landscaping, signs, public areas or relationship with the surroundings; and
 - 4. Consistency with the principles of the Secretary of the Interior's Standards for the Treatment of Historic Properties.
- B. For proposed projects within Historic Districts and Neighborhood Conservations Areas, the proposed project should demonstrate:
 - 1. Compatibility with the height, scale, or massing within the Cultural Resource;
 - 2. Compatibility with the colors, textures, materials and decorative features within the Cultural Resource;
 - 3. That the proposed project does not destroy or pose a substantial adverse change to an important architectural, historical, cultural, or archaeological feature or features within the Cultural Resource;
 - 4. Compatibility within the context of the Cultural Resource related to 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 within the Historic District;
 - 2. Compatibility with the colors, textures, and materials 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.

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 20.30
PRESERVATION INCENTIVES

SECTIONS:

- 20.30.010 PRESERVATION INCENTIVES.**
- 20.30.020 MILLS ACT PROGRAM.**
- 20.30.030 HISTORIC PRESERVATION FUND.**

Section 20.30.010 Preservation Incentives.

The City Council may establish preservation incentives to encourage owners to designate, maintain, preserve, rehabilitate, and improve Cultural Resources. Only properties designated as Cultural Resources pursuant to the provisions of this Title shall be eligible to apply for preservation incentives.

(Ord. 7108 §1, 2010; Ord. 6778 § 1, 2004; Ord. 6566 §2, 2001; Ord. 6263 §1 (part), 1996)

Section 20.30.020 Mills Act Program.

Pursuant to Government Code Section 50280 et seq. ("the Mills Act"), the City Council has established, by Resolution 20825 (as amended) a Mills Act Program providing for contractual agreement with an owner of a historic property as designated by the City Council or listed on any official federal, state, or county register for the purpose of preservation, rehabilitation, and maintenance of a designated historic resource.

- A. A Mills Act Agreement allows an owner to receive a reduction in property taxes in exchange for the property owner's commitment to specific repair, restoration and/or rehabilitation improvements and satisfactory maintenance of the Historic Property.
- B. A Mills Act Agreement is for a minimum period of ten (10) years, renewed annually, unless a notice of non-renewal or cancellation is filed.
- C. Mills Act applications are accepted only during the month of June and must be actually received by the Planning Division no later than the last business day of the month.
- D. A Mills Act application will be acted upon by the City Council before the end of the calendar year during which it was submitted.

(Ord. 7206 §19, 2013; Ord. 7108 §1, 2010; Ord. 6566 §2, 2001; Ord. 6263 §1 (part), 1996)

Section 20.30.030 Historic Preservation Fund.

- A. Historic Preservation Fund Program (HPFP) is hereby established to provide funding for the conservation, preservation, restoration, and rehabilitation of Cultural Resources consistent with the purposes of this Chapter.
- B. The Historic Preservation Fund (HPF) is hereby established to provide funds for Historic Preservation projects within the City of Riverside.
 - 1. The funds shall be used solely for the conservation, preservation, restoration, and rehabilitation of historical resources as provided in this Section.
 - 2. The Financial Administrator of the HPF shall be the Community & Economic Development Director, or his/her designee.
 - 3. All monies designated by the City of Riverside for the HPFP shall be deposited in

the HPF, held and administered by the City's Finance Department.

4. Separate accounts may be established within the HPF according to origin or intended purpose.
5. In addition to any public moneys appropriated expressly for the HPF, the Financial Administrator may apply for grants, gifts, donations, or other financial support, from private sources, pursuant to City policies.

C. Historic Preservation Fund Committee (HPFC)

1. The HPF shall be administered by the HPFC.
2. The HPFC membership shall consist of five members, serving two-year terms.
 - a) The Cultural Heritage Board shall designate two of its members to serve as representatives;
 - b) The City Council representative shall be appointed by the Mayor's Nominating and Screening Committee (Council Committee).
 - c) The remaining two:
 - i. Shall be City residents affiliated with separate Riverside-specific historic preservation organizations and appointed by the Council Committee.
 - ii. Interested persons must submit applications for appointment no later than 30 days before the meeting during which the Council Committee selects the representatives.
3. The HPFC shall:
 - a) Undertake all discretionary HPFP acts not in conflict with this Section and Title.
 - b) Establish meeting rules, application deadlines, and the frequency of meetings; however, the HPFC shall meet quarterly as needed and shall consider any submitted grant applications at most semi-annually.
 - c) Develop criteria and a selection process for evaluating applications, including guidelines for matching funds, for City Council review and approval.
 - d) Review and approve or deny applications for grants in accordance with the set criteria.
4. Process
 - a) A simple majority is needed for HPFC action.
 - b) The HPFC may designate discretionary HPFP approval authority, with City Council approval by resolution.
 - c) If the HPFC cannot agree upon an action, the matter shall be forwarded to the Cultural Heritage Board for review and recommendation to City Council.
 - d) Appeals shall follow the procedure in this Title.
 - e) City Council actions are final and non-appealable.
 - f) No funds shall be made available until the time to appeal has expired, or

until any appeals are final.

D. Grants.

1. Money in the fund shall be available, for grants to public agencies, nonprofit organizations, and private entities to carry out the purposes of this Section.
2. No grant shall be made except pursuant to an agreement with the City, and subject to terms and conditions in the grant that ensure that the grant carries out the purposes of this Section.
3. Grant agreements shall run with the land and must be recorded with the County Recorder before any funds may be released.
4. Grants shall be awarded on a competitive basis, except that grants may occasionally be awarded on a noncompetitive basis for emergency purposes only.
5. The Committee may consider and approve applications for grants up to \$25,000, but no more than \$25,000 for any one project, Cultural Resource, or program over any five consecutive years.
6. Grant requests with Matching funds make applications more competitive.
7. Provisions for emergency grants may be modified by the City Council.
8. Applications for grants exceeding \$25,000 must be considered and approved by the City Council, upon the Committee's recommendation.
9. All funds must be spent as represented in the application.
10. Spending funds except as authorized shall be considered fraud or theft and may be criminally prosecuted.
11. After completion of a historic preservation project, the grant recipient must return to the HPF any amount of the grant that exceeds the eligible project costs.

E. Authorized projects. Grants are available for the following types of projects:

1. Development projects. These are projects that involve the preservation, restoration, or exterior rehabilitation of a historic property.
2. Easements and Development Rights. Acquisition of transferrable development rights (TDRs), conservation easements, and façade easements for the purposes of historic preservation.
3. Planning projects. These are projects that identify, document, and record historic resources according to applicable local, state, and federal standards, and/or contribute to the development of the City's historic context, and/or contribute to the development of a conservation or preservation plan.
4. Interpretive projects. These are projects that create interpretive media to educate the public on Riverside's history and/or cultural resources. For example, landmark plaques and/or historic district signage and other appropriate means of sharing interpretive information.
5. Designation applications. These are projects that prepare designation applications for state and/or national register designation.

F. Staff shall assist the HPFC in executing the HPFP.

G. The City Council shall have the power to review, modify, approve, disapprove, or

otherwise consider all HPFP and HPFC actions or decisions, by appeal or upon referral.
(Ord. 7206 §20, 2013)

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 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. 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.

(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

SECTIONS:

- 20.40.010 VIOLATIONS.**
- 20.40.020 CRIMINAL PENALTIES.**
- 20.40.030 NUISANCE.**
- 20.40.040 STOP WORK ORDERS.**
- 20.40.050 REMEDIES.**
- 20.40.060 MORATORIUMS.**
- 20.40.070 LEGAL ACTIONS.**

Section 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.

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

Section 20.40.020 Criminal Penalties.

Any person who violates a requirement of this Title, or fails to obey an order issued by the City, including the Historic Preservation Officer, or Qualified Designee, and the Board, and/or or comply with a condition of approval of any certificate or permit issued under this Title, shall be guilty of a misdemeanor.

(Ord. 7206 §21, 2013; Ord. 7108 §1, 2010)

Section 20.40.030 Nuisance.

Any alteration or demolition of a Cultural Resource in violation of this Title is declared to be a nuisance.

(Ord. 7108 §1, 2010)

Section 20.40.040 Stop Work Orders.

- A. The Community & Economic Development Director, or his/her designee, has the authority to issue a Stop Work Order for any violation or threatened violation of this Title.
- B. A Stop Work Order shall be written in the format deemed appropriate by the issuer.
- C. The Stop Work Order shall remain in effect until written notice of rescission by the Community & Economic Development Director, or his/her 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. 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:
 - a) Retroactive compliance.
 - i. A retroactive Certificate of Appropriateness as defined in this Title shall be required; and
 - ii. All conditions of the Certificate of Appropriateness shall be satisfied.
 - b) Restoration.
 - i. A violation may be abated by restoring or reconstructing the Cultural Resource to its original condition prior to the violation.
 - ii. The violator must obtain a Certificate of Appropriateness prior to restoration.
 - iii. Restoration shall use as much of the original material as possible.
 - iv. The City may 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.
 - v. The City may place a lien on the property as provided for in Municipal Code Chapter 6.15.
 - c) Civil Penalty.
 - i. 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.
 - ii. The City shall fix the costs through appraisals or by soliciting bids.
 - iii. All collected funds shall be set aside and used only for CLG duties and required responsibilities.

(Ord. 7108 §1, 2010)

Section 20.40.060 Moratoriums.

- A. For violations of this Title on individually significant Cultural Resources, the City Council may impose up to a 5-year moratorium on any City approvals and permits.
- B. The moratorium provides the City an opportunity to study and determine appropriate mitigation measures for the alteration or removal of the individually significant Cultural Resource, and to ensure measures are incorporated into any future development plans and approvals.
- C. Mitigation measures, as determined by the City, shall be imposed as a condition of any subsequent permit for development with all time periods calculated from the date the City learns of the violation.
- D. Permits for City-approved restoration of individually significant Cultural Resource or

property are exempt from the moratorium.

E. Expungement

1. If a project is proposed for a site under a moratorium, the City Council may reconsider and expunge or modify the moratorium.
2. 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 this Title.

(Ord. 7108 §1, 2010)

Section 20.40.070 Legal Actions.

- A. The City Attorney may maintain an action for injunctive relief to restrain a violation or seek restoration and/or penalties.
- B. 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.
- C. Civil remedies shall be in addition to any criminal prosecution and penalty, or any other remedy provided by law.

(Ord. 7108 §1, 2010)

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 his/her 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.
 - 1. Any proposed amendment to this Title must first be sent to the Cultural Heritage Board for review and recommendation.
 - 2. The Cultural Heritage Board shall recommend that the City Council amend, not amend, or amend the proposal as modified by the Board.
 - 3. 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, regardless 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.

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 that may include Designated Cultural Resources, Eligible Cultural Resources, and Contributing Features to Historic Districts and Neighborhood Conservation Areas.

Cultural Resources Overlay Zone means a Title 19 zoning category applied to a property to identify it 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.

Design Guidelines means any document approved by the Board which illustrates appropriate and inappropriate methods of alteration and construction to promote appropriate design and

decision-making and to preserve the integrity and Character Defining Features of Cultural Resources.

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, the 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:

- A. Which contains one of the following:
 1. 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
 2. 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, the 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").
- B. The historic district must meet 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 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 means the staff meeting the Department of the Interior, National

Park Service requirements, as set forth in Appendix A to Title 36, Part 61 and as selected by the Community & Economic Development Director, or his/her designee, to administer the Cultural Resources program, including support to the Board and management of both the Administrative and Board Certificate of Appropriateness processes.

Historical Resource means a resource as defined in CEQA Section 15064.5.

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 that 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 consistent with the Secretary of the Interior's Standards for the Treatment of Historic Properties.

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.

Landmark means:

- A. Any Improvement or natural feature that is an exceptional example of the 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 a 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.

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:

- A. An area that:

1. Provides a contextual understanding of the broader patterns of Riverside's cultural, social, economic, political, aesthetic, engineering, architectural, or natural history;
 2. Represents established and familiar visual features of a neighborhood, community, or of the City;
 3. Reflects significant development or geographical patterns, including those associated with different eras of settlement and growth; or
 4. Conveys a sense of historic or architectural cohesiveness through its design, setting, materials, workmanship, or association.
- B. Designation of Neighborhood Conservation Areas is no longer allowed but 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 means a site, improvement, or natural feature within a Historic District or Neighborhood Conservation Area, or individually significant property 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 provide 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 means:

- A. A site, of local significance; and
- B. Meets 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 Cultural Resource..

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

Qualified Designee means the person(s) designated by the Community & Economic Development Director to act on behalf of the Historic Preservation Officer. **Secretary of the 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 necessary integrity; and
- B. Meets one or more of the following criteria:
 - 1. Has a unique location, embodies a singular physical characteristics 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 (Resource) of Merit.

Tribal Cultural Resources mean a site, feature, place, cultural landscape, sacred place or object with cultural value to a Native American tribe as defined in CEQA Section 21074.

(Ord. 7206 §24, 2013; Ord. 7108 §1, 2010)

Section 20.50.020 Interpretation.

- A. 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.
- B. 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)