



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

Planning Division

CULTURAL HERITAGE BOARD MEETING DATE: JUNE 21, 2023
AGENDA ITEM NO.: 5

DISCUSSION ITEM

<i>Case Numbers</i>	PR-2021-001145 (Title 20 Text Amendment)
<i>Request</i>	<p>Proposal by the City of Riverside for a comprehensive update to amend Title 20 (Cultural Resources) of the Riverside Municipal Code including, but not limited to:</p> <ol style="list-style-type: none">1. Revisions to Approvals and Hearings processes;2. Revisions and clarification of the CEQA process for Cultural Resources;3. Clarification on the Designation process;4. Revisions and clarification of the Certificate of Appropriateness process;5. Addition of preliminary review process;6. Codification of Cultural Resource Report requirement for demolition;7. Addition of an Archaeological and Tribal Consultation Chapter;8. Clarification of Enforcements and Penalties processes;9. Revision of Title 20 amendment findings;10. Clarifications to Definitions;11. Addition of definition for demolition; and12. Revisions of other technical language, as needed.
<i>Project Location</i>	Citywide
<i>Ward</i>	All
<i>Staff Planner</i>	Scott Watson, Historic Preservation Officer 951-826-5507 swatson@riversideca.gov

RECOMMENDATION

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

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

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

BACKGROUND

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

Amendments at that time included:

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

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

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

In 2017, staff began identifying needed revisions and clarifications to Title 20, including Chapter 20.40 – Enforcement and Penalties related to penalties for projects completed without a Certificate of Appropriateness based on City Council direction. Staff completed the preliminary review of Title 20 and prepared initial recommended amendments for consideration.

From September 2021 through November 2021, Staff worked closely with CHB through workshops at their regularly scheduled meetings. On February 16, 2022, CHB formed a Subcommittee consisting of four members to work with staff on the recommended amendments. The Subcommittee met on a bi-weekly basis between March and August 2022.

At the September 21, 2022, CHB meeting, staff presented the Proposed Amendments based on the Subcommittee feedback. Following the staff presentation, CHB members provided additional comments on the Proposed Amendments. The discussion was continued to the October 19, 2022, CHB meeting to allow staff to review the comments and develop additional Amendments to Title 20.

The Proposed Amendments included substantive changes and staff determined that reconvening the Subcommittee was necessary. Meetings between staff and the Subcommittee resumed in January 2023. At the Subcommittee meetings, staff was

provided redline suggestions prepared by Board Member Sisson and Subcommittee member and Board Vice-Chair McDoniel (Exhibit 1). Following discussion, staff prepared potential revisions to Title 20, based on the redlines provided. The attached Title 20 Modifications Table provides a comparison of existing Title 20 text, the January 31, 2023 suggested redlines, and revised Title 20 updates based on discussions between staff and the Subcommittee (Exhibit 2).

The revised proposed modifications to Title 20 were reviewed in a workshop at the May 17, 2023 CHB meeting. At the meeting, Chair Gamble requested the City's Certified Local Government (CLG) agreement (Exhibit 3) be provided as a reference when reviewing the proposal. Following the meeting, the Subcommittee requested a meeting with staff to discuss various items that were raised during the CHB meeting. Staff has completed minor revisions to the proposal based on some of the Board and Subcommittee's comments (Exhibit 4).

PROPOSAL

The proposed amendments to Title 20 are summarized by Chapter below (Exhibit 4) and include the following:

GLOBAL AMENDMENT

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

CHAPTER 20.05 – PURPOSE

Proposed changes to Chapter 20.05 include adding an additional purpose of Title 20 as it relates to CEQA and Section 106 of the National Historic Preservation Act compliance. Adding this to Title 20 identifies procedures for compliance with the relevant state and federal laws.

CHAPTER 20.10 – POWERS AND DUTIES OF BOARD

Proposed changes to Chapter 20.10 include adding that the Board may request workshops on topics under the purview of Title 20. This amendment was requested by CHB members to codify the ability of CHB request workshops at regular meetings.

CHAPTER 20.15 – APPROVALS AND HEARINGS

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

Specifically, recommended changes include:

- Update Table 20.15.010 (Approving and Appeal Authority) to add the Historic Preservation Fund Committee (HPFC). Adding the HPFC to the table will identify the appropriate authorities for reviewing HPFC Grants. In addition, staff recommends removing the Land Use Committee from the appeals process to

streamline the appeals process to be consistent with Title 19 (Zoning). This would mean appeals of CHB decisions would go directly to City Council.

- Update Section 20.15.020 (CEQA Approval) to add procedures for CEQA approvals on projects that require a Negative Declaration or Mitigated Negative Declaration and where CHB is not the final approval authority. Revised the wording and incorporated text from the City's CEQA Resolution (No. 21106) to clarify CHB's role in Environmental Impact Report (EIR) review. Added text regarding the appeal of CEQA determinations. The amendment will clarify procedures regarding approvals of CEQA documents.
- Update Section 20.15.030 (Public Hearing and Notice) to add recognitions and derecognitions to Public Hearings requirements. Section 20.21.040 specifies that recognitions are to be considered at a public hearing, but this is not reflected in the Approvals and Hearings Chapter. Added noticing to property occupants and persons or entities that request noticing for Public Hearings. This amendment will create better awareness of Public Hearings.
- Update Section 20.15.040 (Meeting and Notice for Certificates of Appropriateness by Board) to add text related to the referral of COAs from City Council to CHB. This amendment will establish procedures for situations when City Council chooses to refer an appeal of a COA back to CHB to work with the applicant on the project design to improve the compatibility of the project. Added noticing to property occupants and persons or entities that request noticing for CHB reviewed Certificates of Appropriateness. This amendment will create better awareness of proposed projects.
- Update Section 20.15.050 (Meeting and Notice for Administrative Certificates of Appropriateness) to add noticing to property occupants and persons or entities that request noticing for CHB-reviewed Certificates of Appropriateness. This amendment will create better awareness of proposed projects. Added text exempting state-mandated ministerial projects from noticing requirements. This amendment will provide distinction between projects that are appealable and those that are not under state law.
- Update Section 20.15.090 (Appeals) to clarify appeals procedures including, but not limited to, fees, appeal periods, and meeting dates. Text has been revised and new text has been added to match processes in Title 19. New text granting City Councilmembers and the Mayor ability to refer CHB actions to the City Council for discussion is also added for consistency with Title 19.
- Update Section 20.15.100 (Effective Date) to add referrals to the stay of the effective date of Certificates of Appropriateness for consistency with proposed revisions to Section 20.15.090.

CHAPTER 20.20 – DESIGNATION

Proposed modifications to Chapter 20.20 include:

- Modification to Section 20.20.020 to include text to allow City Council to override owner opposition to designation of those structures that are found to be of unique value.

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

CHAPTER 20.25 – CERTIFICATE OF APPROPRIATENESS

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

- Update Section 20.25.010 (Certificates of Appropriateness, Generally) to identify when a COA is required. This includes relocation of text from Chapter 20.50 (Definitions) for clarity on the standards without having to refer to the definition. Text moved includes that related to alterations, non-contributors to Historic District, and non-contributors to Neighborhood Conservation Areas. Added text to indicate that a Cultural Resources Report may be required for the demolition of structures that are not previously identified as being eligible for designation.
- Update Section 20.25.015 (Certificates of Appropriateness Not Required) to include existing text from the current Section 20.25.010 related to Cultural Resources determined to present an unsafe or dangerous condition constituting an imminent threat. This modification will clearly define when a COA is not required to abate conditions that pose an immediate threat to human life and safety.
- Update Section 20.25.020 (Application) to include text related to application submittal requirements, preliminary review, application completeness review, and the relationship of a COA to other Planning Entitlements. The proposed amendment will codify existing procedures for the review of applications and provide consistency with Title 19.
- Add Section 20.25.021 (Preliminary Review) to create a process for preliminary review for Board-reviewed, individually designated resources and as requested by the applicant. The proposed amendment is intended to provide a process for early feedback on significant projects.
- Update Section 20.25.025 (Board Certificates of Appropriateness) to identify the CHB is responsible for a COA if not included in the list of projects that are identified for administrative review.
- Update Section 20.25.030 (Administrative Certificates of Appropriateness) to streamline processes and clarify intent. Minor projects such as fencing, signage, exterior lighting, and landscaping are proposed to be included in the list of projects at City Landmarks that can be reviewed administratively. Two-story Accessory Dwelling Units (ADU) at any Cultural Resource, except Landmarks, is proposed to be added to be consistent with state law requiring ministerial review of ADUs. Text added to clarify they types of projects that are able to have noticing waved.

- Update Section 20.25.050 (Principles and Standards of Site Development and Design Review) to establish principles that would be applied based on the designation level of the property, including 1) principles for individually significant Cultural Resources; 2) contributors to Historic Districts and Neighborhood Conservation Areas; and 3) non-contributors to Historic Districts. The principles provide review parameters for compatibility factors that have the potential to impact the Cultural Resources as an individual resource or as a collective resource (e.g., Historic District).
 - Principles for individual resources focuses on the character-defining features of the structure itself.
 - Principles for Historic Districts and Neighborhood Conservation Areas focus on the character-defining features of the neighborhood on the whole.
 - For non-contributing features in Historic Districts and at individually significant features, currently Title 20 Definitions (Section 20.50) indicates “the principles, issues and standards are different than for contributing features.” Standards and principles were not previously established for non-contributing features and are being established as part of this amendment.
- Update Section 20.25.060 revised references to specific Appeals sections of Title 20 proposed to be modified.

CHAPTER 20.26 – ARCHAEOLOGICAL AND TRIBAL CULTURAL RESOURCES

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

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

CHAPTER 20.30 – PRESERVATION INCENTIVES

Modifications to Section 20.30.30 to address request by the Historic Preservation Fund Committee to indicate that the meetings would be scheduled as needed. This amendment will make Title 20 consistent with the rules adopted by the HPFC.

CHAPTER 20.35 – DUTY TO MAINTAIN

Modifications to Chapter 20.40 to clarify that the duty to maintain applies to Historic Districts and Neighborhood Conservation Areas in addition to City Landmarks and Structures of Merit. Text added to indicate that all other applicable laws apply.

CHAPTER 20.40 – ENFORCEMENT AND PENALTIES

Proposed modifications to Chapter 20.40 include:

- Modifications to Section 20.40.010 (Violations) to clarify that the violations apply to Historic Districts and Neighborhood Conservation Areas in addition to City Landmarks and Structures of Merit.
- Modifications to Section 20.40.050 (Remedies) clarify that remedies are cumulative to each other and specify that retroactive Certificates of Appropriateness, either Administrative or Board Issued, are to be reviewed in compliance with the procedures established in Chapter 20.25 (Certificate of Appropriateness).
- Add Section 20.40.080 (Code Enforcement Updates) to codify that CHB can request an update on Code Enforcement cases.

CHAPTER 20.45 – AMENDMENT AND SEVERABILITY

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

CHAPTER 20.50 – DEFINITIONS

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

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

POTENTIAL POLICY DISCUSSION

The Sisson-McDoniel redlines highlighted certain policy-level areas. Based on the May 17, 2023 CHB meeting, the following are the remaining policy items on which the CHB may consider making a recommendation to Council:

- ***Eliminate Owner Consent for Historic Designation (Section 20.20.020)*** – It has been proposed to eliminate the current requirement for owner consent, which would allow the City Council to designate resources without the express consent of the property owner. Under the current Title 20, no historic designation can move forward without written owner consent. The proposed amendment, as previously outlined above, includes the ability for Council to override an owner's objection by a 5/7th majority vote. The complete elimination of owner consent could impose additional restrictions to a property without the full understanding of the owner.

- ***Demolition Review (new chapter)*** – It has been proposed to add a new chapter to create a separate process for demolition review. Currently, all demolition permit requests are reviewed administratively by staff to identify those that have the potential to impact a historic resource. If it is determined that the structure is or could be historically significant, a Certificate of Appropriateness is required. The proposed demolition review would apply to all demolition permit requests throughout the City. In addition to creating a separate process for demolition permit review, the proposal requires noticing for all demolition permits and allows the determination to be appealed, adding at least 20 days to each building permit application involving demolition within the City regardless of the presence of historic resources.
- ***Loss of Further Entitlement (Section 20.40.060)*** – It has been proposed to revise the Moratoriums section to cover the loss of further entitlement and/or development rights when a historic structure is demolished or significantly altered without prior approval. Under the current Title 20, City Council may impose a five-year moratorium on City approvals and permits. The proposal includes a moratorium on construction for five years and requires that any new construction is not to exceed the building footprint, height, square footage, lot coverage, and use of the original structure for a period of twenty years from the unlawful demolition.
- ***Private Right of Action (new chapter)*** - It has been proposed to add a section to Enforcement and Penalties (Chapter 20.40). This proposal would create an explicit right for private individuals or entities to file litigation for violation of Title 20. Private right of action is not addressed in Title 20 currently, but Section 20.40.070 allows for the City Attorney's Office to take legal action for violation of the title.

CHB may forward these items to City Council for consideration.

ANALYSIS

The proposed amendments include technical revisions based on the discussion between staff, the Subcommittee meeting, and CHB at large. Based on discussion at a Public Hearing, CHB may proceed as follows:

- Recommend to City Council the proposed Title 20 amendment as presented by staff. If CHB chooses to take this option, the attached amendment will be presented to City Council for consideration and adoption. The City Council may accept or reject the recommendations, make revisions, or accept components of the amendment.
- Recommend to City Council the proposed Title 20 amendment with technical language modifications that may be suggested by the Board. If CHB chooses to proceed with this option, the attached amendment would be revised based on the identified text modification and presented to City Council for consideration and adoption. The City Council may accept or reject the recommendations, make revisions, or accept components of the amendment.

- Recommend to City Council the proposed Title 20 amendment as presented, with or without Board-recommended technical language modifications, and any or all of the policy-level items that CHB wish Council to consider. If CHB chooses to proceed with this option, the proposed amendment, with technical revisions if indicated, and any or all identified policy areas will be presented to City Council for consideration. The City Council will have the option of accepting the proposed amendment or incorporating the policy items that it wishes to adopt.

PUBLIC OUTREACH AND COMMENT

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

ENVIRONMENTAL REVIEW

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

FINDINGS

Cultural Resources Code Amendment Findings pursuant to Chapter 20.45.020:

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

STRATEGIC PLAN

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

This item aligns with the following Cross-Cutting Threads:

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

APPEAL INFORMATION

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

EXHIBITS

1. Sisson-McDoniel Redlines
2. Title 20 Revised Modifications table
3. 1995 CLG Agreement
4. Title 20 Update – Redline

Prepared by:	Scott Watson, Historic Preservation Officer
Reviewed by:	Matthew Taylor, Principal Planner
Approved by:	Maribeth Tinio, City Planner

Title 20

CULTURAL RESOURCES

Commented [JS1]: Track changes reflect proposed modifications from the "Title 20 Redlines" presented to CHB September 21, 2022. (See [Item 5 Attachment.](#))

Chapters:

- 20.05 PURPOSE.
- 20.10 AUTHORITY AND RESPONSIBILITIES.
- 20.15 APPROVALS AND HEARINGS.
- 20.20 DESIGNATION.
- 20.21 RECOGNITION.
- 20.22 DEMOLITION REVIEW
- 20.23 PRELIMINARY CONSULTATION
- 20.25 CERTIFICATES OF APPROPRIATENESS.
- 20.26 ARCHAEOLOGICAL AND TRIBAL CULTURAL RESOURCES
- 20.30 PRESERVATION INCENTIVES.
- 20.35 DUTY TO MAINTAIN.
- 20.40 ENFORCEMENT AND PENALTIES.
- 20.45 AMENDMENT AND SEVERABILITY.
- 20.50 DEFINITIONS.

Chapter 20.05

PURPOSE

Sections:

~~20.05.010 Purpose.~~

Section 20.05.010 Purpose.

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

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

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

Chapter 20.10
AUTHORITY AND RESPONSIBILITIES

20.10.020 Powers and duties of Board.

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

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

Commented [JS2]: Note, staff presentation omitted section (i.e., no changes were recommended). Hence, redlines reflect changes to section has currently provided in the RMC.

Commented [JS3]: Appropriate guidelines should apply regardless of decisionmaker. Additionally, it fosters trust between staff/CHB when staff administrative decisions are guided by CHB guidance. Furthermore, reduces need to have more things go to CHB.

20.10.030 Historic Preservation Officer.

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

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

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

Chapter 20.15

APPROVALS AND HEARINGS

Sections:

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

Section 20.15.010 Approval Authority.

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

R = Recommending Authority; F = Final Approving Authority (unless appealable); A = Appeal Authority; AR = Approving Authority as HPO on Referral;

Table 20.15.010
Approving and Appeal Authority

Type of Permit or Action	Approving and Appeal Authority						
	City Historic Preservation Officer (HPO)	Historic Preservation Fund Committee (HPFC)	City Cultural Heritage Board		City Council Consent	City Council Discussion	City Council Public Hearing

Notes:

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

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

- A. **CEQA review.** When the City is acting as lead agency for purpose of CEQA, the HPO and Board shall consider ~~and determine the adequacy of CEQA review as it relates to Cultural Resources only when acting on any discretionary approval under this Title. This includes any level of CEQA review, including but not limited to an Environmental Impact Report (EIR), Negative Declaration (ND), Mitigated Negative Declaration (MND), exemption, or other form of CEQA clearance. The following shall apply:~~ 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~~ CEQA clearance and approve, approve with modification, or deny the project.
- ~~ii.~~ If the Board's decision is not ~~timely~~ appealed ~~or referred~~, then the decision becomes final.
- ~~iii. 1.~~ If the decision is ~~timely~~ appealed ~~or referred~~, it becomes final upon the City Council's disposition of the appeal, ~~which will be held de novo.~~

b. Board Recommending Authority: City Council Final Approval Authority

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

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

Commented [JS5]: Modifications address alternative CEQA clearance—short of EIRs—currently provided under current or future state law. (See e.g., Pub. Res. Code § 21155 et seq. [Sustainable Communities Strategy]; 14 Cal. Code Regs. ["CEQA Guidelines"] § 15300 et seq. [categorical exemptions].) Furthermore, decisionmakers must be able to consider the underlying CEQA review when acting on an approval.

Commented [JS7]: Everything the Board can do is appealable to council, which has de novo review over the underlying entitlements/action and as well as the CEQA.

Commented [JS8]: See Los Angeles (LAMC § 11.5.13)

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

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

Commented [JS9]: See Los Angeles (Charter § 564; LAMC § 12.36)

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

Section 20.15.030 Public Hearing and Notice.

- A. All designations, modifications of designations, and/or de-designations require a public hearing ("Hearing").
- B. All recognitions and derecognitions require a Public Hearing
- C. Upon the filing of a complete application, a matter shall be set for hearing before the Board within ninety (90) days. The Board may continue a Hearing.
- D. Notice of Hearing.

Commented [JS11]: See e.g., Los Angeles (LAMC § 197.01.F; CEQA (Pub. Res. Code § 21092.2(a)).

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

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

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

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

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

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

(Ord. 7108 §1, 2010)

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

Commented [JS14]: Staff omitted (i.e., no changes recommended). Redlines reflect proposed changes to current version of Code.

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

Section 20.15.090 Appeals and Referrals.

A. Appeals

1. Administrative Action

- a. Any person aggrieved or affected by an Administrative Certificate of Appropriateness, ~~demolition review, or other quasi-adjudicatory~~ decision may appeal that decision to the Board within ten days of the Historic Preservation Officer or Qualified Designee's decision. ~~For quasi-adjudicatory actions, the appeal deadline shall start the following day after notice has been given pursuant to -section 20.15.050.~~
- ~~a.~~
- b. The appeal must be made by filing a letter of appeal with the Planning Division and shall be accompanied by a filing fee as established by City Council resolution.
- c. If the tenth day is on a weekend or holiday the appeal is extended to the end of the next regular business day
- d. The letter shall set forth the grounds for the appeal.
- e. ~~To the extent feasible, the~~ appeal shall be scheduled on a Board meeting date mutually agreed upon by the person filing the appeal, the applicant and the City.
- f. The Board may recommend affirming, reverse or modify the underlying Historic Preservation Officer or Qualified Designee's decision to the City Council.
- g. Board decisions are final unless ~~timely~~ appealed ~~or referred to City Council~~.
- h. For appeal of Administrative actions, notice of the time and place of the Cultural Heritage Board meeting shall be sent to the Applicant and Appellant, and as set forth in this Title

Commented [JS22]: Modification address where state law that may require City to act upon the applicant's application. (See e.g., Gov. Code § 65920 et seq., [Permit Streamlining Act]; see also [HCD HAA Technical Assistance](#) [regarding recent housing bills].)

2. Board Action

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

B. Referral of Historic Preservation Officer and Board actions.

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

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

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

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

20.15.100 - Effective date.

- A. Certificates of Appropriateness, demolition review, and other quasi-adjudicatory decision shall be effective the first regular business day after the end of the ~~ten day~~ten-day appeal period. Filing of an appeal or referral stays the effective date pending action on the appeal.
- B. Designation, modification, and dedesignation shall be effective on the next City business day following City Council action.

(Ord. 7108 §1, 2010)

Commented [JS24]: Section omitted from prior staff report (i.e., no changes proposed by staff). Redlines reflect changes from current version of the Code.

Chapter 20.20

DESIGNATION

Sections:

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

20.20.020 Designation application.

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

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

The City no longer allows designation of Neighborhood Conservation Areas.

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

Section 20.20.080 Overlay Zone.

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

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

Commented [JS26]: Note, staff presentation omitted section (i.e., no changes were recommended). Hence, redlines reflect changes to section has currently provided in the RMC. Owner consent contrary to best practices. (See e.g., Los Angeles [LAMC § 22.171.10]).

Chapter 20.22

DEMOLITION REVIEW

Sections:

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

Commented [JS28]: Currently, Title 20 has minimal mention of demolitions (see e.g., RMC §§ 20.25.030, 20.40.030) and mostly handled elsewhere (see e.g., 16.20 et seq.).

20.22.010: Title.

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

Commented [JS30]: Generally, this section uses Redlands (RMC § 15.44 et seq.) and Glendale (GMC § 15.22 et seq.) as template with additions from other jurisdictions (noted below).

20.22.020: Purpose and Intent.

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

20.22.030: Applicability.

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

Commented [JS31]: May want to specify Building Official, CDD, etc. (RMC § 16.20 et seq.)

20.22.040: Definitions.

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

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

Commented [JS34]: See e.g., Santa Monica (SMMC § 9.25.030); Davis (DMC § 8.19 et seq.); Glendale (GMC § 15.22.030); S. Pasadena (SPMC § 2.59A(d)); Palm Springs (PSMC § 8.05.020).

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

C. *Demolition by neglect* means the process in which the owner of a resource, or designee, allows its ongoing deterioration of a resource over a period of time as a result of lack of maintenance, failure to protect the resource from pests or vandals, and/or failure to take reasonable measures to prevent ingress of water or wind through the roof, walls, or apertures of the resource, leading to deterioration and/or structural failure that results in complete or partial demolition, the loss of character-defining features, and/or that constitutes a threat to public health and safety.

D. *Potential Historic Resource* means a resource that: (1) is not a Designated or Eligible Cultural Resource; and either (2a) determined to be a historic resource per CEQA (see e.g., Pub. Res. Code § 21084.1; CEQA Guidelines § 15064.5); or (2b) is a structure at least forty-five (45) years or older from the date of demolition application.

20.22.050: Demolition Permit Application.

An application for a demolition permit shall:

A. Be completed by the owner of the structure proposed for demolition, or the owner's authorized representative, and submitted to the Development Services Department with payment of all applicable fees. Concurrent with the filing of an application for a demolition permit, if the Director determines the application is not exempt under CEQA, application shall also be made for any required environmental review pursuant to CEQA.

B. The application shall identify the structure to be demolished by providing a description of the structure, its address, legal description and Tax Assessor's parcel number.

C. The applicant shall specify whether the structure is listed as a historic or cultural resource or has been determined to have historical significance, by any Federal, State, regional or local listing or designation, or as that term is defined in this chapter.

D. The application shall specify the date that construction of the structure was completed, and include documentation verifying that date to the satisfaction of the City. If documentation is unavailable to reasonably establish the date of completed construction, the applicant shall write "age of structure unknown no documentation available" on the permit application.

E. To avoid piecemeal review caused by individual projects for which permits are sought and also to the cumulative sum of related or successive permits which are part of a larger project, the application shall specify all permits sought within the prior five years of the demolition application, the proposed replacement structure and/or future project, and all other required discretionary applications sought after, including but not limited to Certificate of Appropriateness, conditional use permit, variances, zone change, general plan amendment, density bonus. Additionally, the application shall include a sworn statement by the applicant and/or property owner as to the accuracy of the information contained in the application for demolition.

F. And any other information which the Historic Preservation Officer (or Qualified Designee) or Community & Economic Development Director deems necessary to accurately describe the scope of the demolition or alteration proposed, such as:

1. Photographs of each exterior side of the structure to be demolished or altered;

2. Drawings for conceptual review of any alteration;

Commented [JS36]: Los Angeles [LAMC § 16.05-C.1];

Commented [JS37]: See Palm Springs (PSMC § 8.05.110.D.2, 805.130.C.3)

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

20.22.060: Notice of Intent to Demolish Requirement.

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

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

Commented [JS39]: See e.g., Riverside (RMC §§ 5.80.060, 1.17.210); Cal. Bus. & Prof. Code § 23985; Los Angeles (LAMC § 91.106.45.1); Davis (DMC § 8.19.020)

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

20.22.070 Demolition Permit Review.

A. Applicability.

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

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

B. Procedure.

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

Commented [JS41]: See e.g., Riverside (RMC § 20.25.030); S. Pasadena (SPMC § 2.65 subds. (e)(3) & (e)10(B)); Palm Springs (PSMC §§ 8.05.110 (D)(3), 8.05.130 subds. C.4 & D:)

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

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

4. Determinations & Actions.

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

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

5. Appeals

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

6. Stay of Issuance of Demolition Permit.

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

20.22.080 Mitigation Measures and Conditions of Approval

Commented [JS44]: See Los Angeles (LAMC § 22.171.12)

Commented [JS45]: See Davis (DMC § 8.19.070)

Commented [JS46]: See e.g., Upland (UMC §§ 17.26.120.G, 17.26.120.F); Palm Springs (PSMC § 8.05.130.4.b); Davis (DMC § 8.19.030); Pasadena (SPMC § 2.65(e)(9)(e))

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

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

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

20.22.090: Exceptions.

Exceptions to this Chapter may be appropriate when:

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

Commented [JS47]: See Palm Springs (PSMC § 8.05.110.B.5)

Commented [JS48]: See Upland (UMC § 17.26.120.G); W. Hollywood (WHMC § 19.58.110)

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

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

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

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

Chapter 20.23

PRELIMINARY CONSULTATION

Sections:

20.23.010 Purpose and Intent.

20.23.020 Applicability.

20.23.010 Purpose and Intent.

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

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

20.23.020 Applicability.

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

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

Commented [JS49]: Currently, mostly handled elsewhere in Code (see e.g., RMC §§ 19.710 et seq.). Other CLG's provide meaningful opportunities for feedback. See e.g., Pasadena (PMC §§ 17.61.030, 17.60.040.c); Sacramento (SMC §§ 17.604.400 et seq.); Upland (UMC § 17.26.110); Glendale (GMC § 15.20.020); Palm Springs (PSMC § 8.05.020); Orange (OMC § 17.10.070); Pomona (PMC § .5809-13.F5); Santa Barbra (SBMC § 30.220.020); Los Angeles (LAMC § 12.33.D.1).

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

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

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

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

Chapter 20.25

CERTIFICATES OF APPROPRIATENESS

Sections:

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

Section 20.25.010 Certificates of Appropriateness Required.

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

Section 20.25.015 Certificates of Appropriateness Not Required.

No Certificate of Appropriateness is required for:

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

Section 20.25.020 Application.

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

to the proposed improvements.

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

2. Signature and fees required.

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

3. Indemnification.

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

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

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

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

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

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

Commented [JS53]: Modification for formatting purposes.

C. Application Completeness Review: All applications filed with the Planning Division in compliance with this Title shall be initially reviewed by the Historic Preservation Officer, or Qualified Designee. The application shall be processed as follows:

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

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

Section 20.25.025 Board Certificates of Appropriateness.

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

Section 20.25.030 Administrative Certificates of Appropriateness.

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

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

Commented [JS54]: Modifications to add safeguards to applicants but clarifying City options post application being deemed complete, which is not uncommon for complex projects.

Commented [JS55]: Please note that this was "property" in the staff recommended version (9/21/22), which was suggested to be changed to its current "resource" text.

Commented [JS56]: Modification for formatting purposes.

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

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

Section 20.25.040 Referral to the Cultural Heritage Board.

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

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

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

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

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

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

Section 20.25.060 Appeals.

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

Section 20.25.070 Application of the State Historic Building Code.

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

CHAPTER 20.26

ARCHAEOLOGICAL AND TRIBAL CULTURAL RESOURCES

SECTIONS:

20.26.010 CULTURAL RESOURCES REPORT.

20.26.020 TRIBAL CONSULTATION.

Section 20.26.010 Cultural Resources Reports.

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

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

Section 20.26.020 Tribal Consultation.

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

Chapter 20.35
DUTY TO MAINTAIN

Sections:

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

Section 20.35.010 Duty to Maintain.

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

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

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

Section 20.35.020 Relationship to Other Provisions.

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

Commented [CM59]: All remedies should be reviewed by CHB or HP staff before being done, including those done by code enforcement. If it is a safety emergency, the owner or code enforcement must get retroactive approval. COA rules should apply in cases of neglect, nuisance, etc.

Commented [CM60R59]: Refer for action, hold a public hearing, etc.; cite Title 6 and 19 in Title 20

Commented [JS61]: Other Jurx. Incorporate other remedies? See RMC 6.11, 6.14, 1.17)

Chapter 20.40
ENFORCEMENT AND PENALTIES

20.40.010 Violations.

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

Commented [CM62]: This language includes all structures within a historic district, not just contributing.
Fresno CA Code of Ordinances 12-1628 (chapter 12 article 16 section 28)
https://library.municode.com/ca/fresno/codes/code_of_ordinances?nodeId=MUCOFR_CH12IMFEHIREOTMITO_ART16HIPROR_S12-1628CICRPE

Commented [CM63R62]: Also Pasadena MC secs 17.62 subds. .090, .110, & .120]

Section 20.40.040 Stop Work Orders.

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

Section 20.40.050 Remedies.

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

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

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

administrative and enforcement fees.

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

Commented [JS64]: Private Right of Action?

20.40.060 - Loss of Further Entitlement

Moratoriums

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

Commented [JS65]: Staff recommended no changes. Redlines reflect proposed changes from current Code version.

Commented [CM66]: Replaced Riverside's Moratorium section with a combination of Palo Alto 16.49.090(a)(4) and San Clemente Code of Ordinances, § 17.16.170(F)

Commented [CM67R66]: Also Pasadena MC secs 17.62 subds. .090, .110, & .120

Commented [CM68R66]: No use as parking from South Pasadena MC 2.67(d)

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

Commented [CM69]: Redlands MC 15.44.120 (D) https://codelibrary.amlegal.com/codes/redlandsca/latest/redlands_ca/0-0-0-13595

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

Commented [CM70]: Long Beach 18.65.010 and Redlands 15.44.120 (E)

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

Commented [CM71]: Long Beach 18.65.010

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

Commented [CM73]: Redlands 15.44.120 (F)

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

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

(Ord. 7108 §1, 2010)

20.40.070 - Legal actions

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

(Ord. 7108 §1, 2010)-

20.40.080 Board Enforcement Referrals

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

20.40.090 Private Right of Action

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

20.40.100 Remedies Cumulative

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

Commented [JS74]: Staff recommended no changes. Redlines reflect proposed changes from current Code version.

Commented [JS75]: Does the City want to consider. See e.g., Riverside (RMC §§ 6.08.070, 1.17.300; 6.10.100); Santa Monica (SMMC § 1.08.040); Santa Barbara (SBMC § 9.99.030); Pomona (PMC § 30-812); Los Angeles (LAMC § 45.35; 151.31.D); Orange (OMC § 9.39.130); Long Beach (LBMC §§ 18.25.170, 5.91.120); Palm Springs (PSMC § 8.04.810); Glendale (GMC § 8.52.220.E); Davis (DMC § 15.20.110, 34.04.070)

Commented [JS77]: See e.g., Davis (DMC § 40.37.060); Glendale (GMC § 8.52.220.f);

Chapter 20.45

AMENDMENT AND SEVERABILITY

Sections:

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

Section 20.45.010 Amendment.

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

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

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

Section 20.45.020 Procedures.

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

Section 20.45.030 Severability.

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

Chapter 20.50

DEFINITIONS

Sections:

- 20.50.010 Definitions.
- 20.50.020 Interpretation.

Section 20.50.010 Definitions.

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

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

Board means the Cultural Heritage Board.

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

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

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

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

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

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

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

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

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

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

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

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

Historic District means an area which contains:

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

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

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

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

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

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

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

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

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

Landmark means:

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

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

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

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

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

Neighborhood Conservation Area means an area that:

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

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

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

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

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

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

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

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

Point of Cultural Interest

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

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

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

-Resource of Merit see "Structure or Resource of Merit," below.

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

-Structure (or Resource) of Merit means:

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

Section 20.50.020 Interpretation.

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

Title 20 Modifications (June 21, 2023)

Section	Current Title 20 text	January 31, 2023 Suggested Modification	Subcommittee/Staff Discussed Modification	Purpose
Global			Revise “Community Development Director” to “Community & Economic Development Director”	Corrects department name
20.05.010			Add Purpose: M. To establish procedures relating to compliance with the California Environmental Quality Review Act (CEQA) and Section 106 of the National Historic Preservation Act (NHPA).	Clarifies that one of the goals of Title 20 is to meet the State and Federal requirements related to Cultural Resources
20.10.020	<p>Powers and duties of Board</p> <p>A. The Cultural Heritage Board shall:</p> <ol style="list-style-type: none"> 1. Make recommendations to the City Council regarding surveys of cultural resources within the City, in conformance with State Office of Historic Preservation survey standards and guidelines; 2. Recommend to the City Council the designation of Landmarks, Historic Districts, Structures or Resources of Merit, and any additional matters pursuant to the provisions of this title; 3. Have discretionary authority to review and approve applications and actions to alter, relocate or demolish cultural resources pursuant to the provisions of this title; 4. Hear appeals from the Historic Preservation Officer or Qualified Designee's determinations on Administrative Certificates of Appropriateness or the Historic Preservation Fund Committee's recommendations; 5. Accept referrals from the Historic Preservation Officer or Qualified Designee; 	Minor text revision incorporated into Subcommittee/Staff Discussed Modifications.	<p>Powers and duties of Board</p> <p>A. The Cultural Heritage Board shall:</p> <ol style="list-style-type: none"> 1. Make recommendations to the City Council regarding surveys of cultural resources within the City, in conformance with State Office of Historic Preservation survey standards and guidelines; 2. Recommend to the City Council the designation of Landmarks, Historic Districts, Structures or Resources of Merit, and any additional matters pursuant to the provisions of this title; 3. Have discretionary authority to review and approve applications and actions to alter, relocate or demolish cultural resources pursuant to the provisions of this title; 4. Hear appeals from the Historic Preservation Officer or Qualified Designee's determinations on Administrative Certificates of Appropriateness or the Historic Preservation Fund Committee's recommendations; 5. Accept referrals from the Historic Preservation Officer or Qualified Designee; 	<p>Significant changes bolded, including:</p> <ul style="list-style-type: none"> • Revise applicability of guidelines • Add CHB Workshop Request. <p>Address Board Member Sisson’s concern regarding the review standards to be used by all decisionmakers.</p> <p>Address Board Member Tobin’s concern regarding workshop. Bolded & italicized</p>

Title 20 Modifications (June 21, 2023)

Section	Current Title 20 text	January 31, 2023 Suggested Modification	Subcommittee/Staff Discussed Modification	Purpose
	<p>6. Hear appeals taken from formal interpretations made by the Historic Preservation Officer or Qualified Designee;</p> <p>7. Hear appeals from the Historic Preservation Fund Committee's recommendations;</p> <p>8. 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;</p> <p>9. Work for the continuing education of the citizens of Riverside about the heritage of the City and its cultural resources;</p> <p>10. At the direction of the City Council, seek means and resources to protect, retain and preserve cultural resources, such as suggesting legislation and seeking financial support from individuals and local, state and federal governments;</p> <p>11. Consult with and advise the City Council about the Board's duties and functions;</p> <p>12. Assume the responsibilities and duties assigned to it by the City Council under the Certified Local Government Provisions of the National Historic Preservation Act of 1966; such as National Environmental Protection Act ("NEPA") and California Environmental Quality Act ("CEQA") compliance;</p> <p>13. As part of the Board's CEQA review responsibilities, the Board shall identify</p>		<p>6. Hear appeals taken from formal interpretations made by the Historic Preservation Officer or Qualified Designee;</p> <p>7. Hear appeals from the Historic Preservation Fund Committee's recommendations;</p> <p>8. Adopt standards including preservation guidelines to be used by the approval authority, as defined in this Title, in reviewing applications for permits to preserve, alter, relocate or demolish any cultural resource;</p> <p>9. Work for the continuing education of the citizens of Riverside about the heritage of the City and its cultural resources;</p> <p>10. At the direction of the City Council, seek means and resources to protect, retain and preserve cultural resources, such as suggesting legislation and seeking financial support from individuals and local, state and federal governments;</p> <p>11. Consult with and advise the City Council about the Board's duties and functions;</p> <p>12. Assume the responsibilities and duties assigned to it by the City Council under the Certified Local Government Provisions of the National Historic Preservation Act of 1966; such as National Environmental Protection Act ("NEPA") and California Environmental Quality Act ("CEQA") compliance;</p>	

Title 20 Modifications (June 21, 2023)

Section	Current Title 20 text	January 31, 2023 Suggested Modification	Subcommittee/Staff Discussed Modification	Purpose
	<p>and advise appropriate City departments and governmental entities of known historical, cultural and archaeological resources; assess and advise the City Council whether any proposed project would have an adverse effect on the significance of such Cultural Resources; and recommend to the City Council appropriate action in compliance with the City's adopted CEQA procedures; and</p> <p>14. Encourage public participation in the Cultural Resources program to identify and inventory significant cultural resources in the City;</p> <p>B. The Cultural Heritage Board may:</p> <ol style="list-style-type: none"> 1. Recommend zoning and general plan amendments for cultural resources preservation; 2. Conduct an awards program to recognize and encourage public participation in Cultural Resource efforts; and 3. Nominate eligible City-owned cultural resources to the National Register of Historic Places, and encourage, advise, and guide persons in nominating cultural resources to the National Register of Historic Places. 		<p>13. As part of the Board's CEQA review responsibilities, the Board shall identify and advise appropriate City departments and governmental entities of known historical, cultural and archaeological resources; assess and advise the City Council whether any proposed project would have an adverse effect on the significance of such Cultural Resources; and recommend to the City Council appropriate action in compliance with the City's adopted CEQA procedures; and</p> <p>14. Encourage public participation in the Cultural Resources program to identify and inventory significant cultural resources in the City;</p> <p>B. The Cultural Heritage Board may:</p> <ol style="list-style-type: none"> 1. Recommend zoning and general plan amendments for cultural resources preservation; 2. Conduct an awards program to recognize and encourage public participation in Cultural Resource efforts; and 3. Nominate eligible City-owned cultural resources to the National Register of Historic Places, and encourage, advise, and guide persons in nominating cultural resources to the National Register of Historic Places. 4. <i>By a consensus of the Board, request a workshop to discuss topics under the purview of this Title.</i> 	

Title 20 Modifications (June 21, 2023)

Section	Current Title 20 text	January 31, 2023 Suggested Modification	Subcommittee/Staff Discussed Modification	Purpose
20.15.010			Remove Land Use Committee from appeals process	Streamlines process to be consistent with other entitlements (Title 19) - remove from Definition chapter
20.15.010			Add Historic Preservation Fund Committee and Grant Application	Not currently included, added for clarity.
20.15.020	<p>California Environmental Quality Act (CEQA) Approval.</p> <p>A. If an Environmental Impact Report (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. 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. The City Council shall consider the Board's comments and recommendation, and may accept, accept with modification, or decline the Board's recommendation.</p> <p>B. Where an EIR is not prepared, and a Negative Declaration (ND) or Mitigated Negative Declaration (MND) is prepared for a Certificate of Appropriateness or case where the Board is the final approval authority, the Board may adopt the ND or MND, and approve, approve with modification, or deny the project. If the Board's decision is not appealed, then the decision becomes final. If the decision is</p>	<p>California Environmental Quality Act (CEQA) and Projects Requiring Multiple Approvals.</p> <p>A. CEQA review. When the City is acting as lead agency for purpose of CEQA, the HPO and Board shall consider and determine the adequacy of CEQA review as it relates to Cultural Resources only when acting on any discretionary approval under this Title. This includes any level of CEQA review, including but not limited to an Environmental Impact Report (EIR), Negative Declaration (ND), Mitigated Negative Declaration (MND), exemption, or other form of CEQA clearance. The following shall apply:</p> <ol style="list-style-type: none"> Board Final Approval Authority: The Board may adopt the CEQA clearance and approve, approve with modification, or deny the project. If the Board's decision is not timely appealed or referred, then the decision becomes final. If the decision is timely appealed or referred, it becomes final upon the City Council's disposition of the appeal, which will be held de novo. Board Recommending Authority: When acting as a Recommending Authority, the Board shall review the CEQA clearance and 	<p>California Environmental Quality Act (CEQA) Approval.</p> <p>A. Environmental Impact Report (EIR) Required:</p> <ol style="list-style-type: none"> 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. In such cases, the Board shall review the Draft EIR, as it relates to Cultural Resources, and shall make a recommendation to the City Council regarding the following items: <ol style="list-style-type: none"> Whether the Draft EIR has been completed in compliance with CEQA; Whether the project will have a significant effect on Cultural Resources; and, if so; Whether the changes or alterations proposed for the project, together with any changes or alterations that come forth as a part of the public hearing on the Draft EIR, will avoid or substantially lessen the significant environmental effects as identified in the Draft EIR. 	<p>Clarifies process for non-EIR CEQA documents</p> <p>Currently no direction on Negative Declarations & Mitigated Negative Declarations which have an associated Planning entitlement for City Council consideration.</p> <p>Other substantial changes may require amendments to the CEQA resolution.</p> <p>Incorporates language from the City's CEQA Resolution to clarify CHB's recommendation on a Draft EIR.</p> <p>Incorporates language regarding CEQA Appeals, as recommended by Board Member Sisson.</p>

Title 20 Modifications (June 21, 2023)

Section	Current Title 20 text	January 31, 2023 Suggested Modification	Subcommittee/Staff Discussed Modification	Purpose
	appealed, it becomes final upon the City Council's disposition of the appeal.	<p>provide comments, together with its recommendation that the project be approved, approved with modifications, or denied. The City Council shall consider the Board's comments and recommendation, and may accept, accept with modification, or decline the Board's recommendation.</p> <p>3. CEQA Appeals. To the extent this Title authorizes a non-elected decisionmaker to take action on the adequacy of the CEQA review, said action shall be appealable to the City Council consistent with Pub. Res. Code § 21151(c) provided that: (1) all administrative appeals were exhausted; (2) appeal is filed within ten (10) days of the decision becoming final; and (3) the appeal is filed in a form and manner required by the Planning Division.</p> <p>B. Multiple Approvals. If a project requires multiple discretionary approvals, those required under Title 20 shall occur prior to all others including but not limited to those required under Title 19 (e.g., conditional use permits, variances, zone changes, etc.). The HPO or Board shall act on those approvals authorized under Title 20 prior to further processing as necessary under the Code. Nothing herein shall limit the City's ability to schedule joint hearings of the Cultural Heritage Board and other decision-making bodies (e.g., Planning Commission). This subsection does not create any additional appeal or level of appeal in connection with any land use approval, nor does it limit or expand who may file an appeal as identified in each discretionary land use application process.</p>	<p>d) A recommendation that the project be approved or denied.</p> <p>3. The City Council shall consider the Board's comments and recommendation, and may accept, accept with modification, or decline the Board's recommendation.</p> <p>B. Environmental Impact Report (EIR) Not Required:</p> <p>1. If an EIR is not prepared, and a Negative Declaration (ND) or Mitigated Negative Declaration (MND) is prepared, the following shall apply:</p> <p>a) Board Final Approval Authority:</p> <p>i. The Board may adopt the ND or MND, and approve, approve with modification, or deny the project.</p> <p>ii. If the Board's decision is not timely appealed or referred, then the decision becomes final.</p> <p>iii. If the decision is timely appealed or referred, it becomes final upon the City Council's disposition of the appeal.</p> <p>b) City Council Final Approval Authority:</p> <p>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.</p> <p>ii. The City Council shall consider the Board's comments and recommendation, and may accept, accept with modification, or</p>	Refer to Section 20.25.020 for language regarding multiple approvals. Bolded & italicized

Title 20 Modifications (June 21, 2023)

Section	Current Title 20 text	January 31, 2023 Suggested Modification	Subcommittee/Staff Discussed Modification	Purpose
			<p>decline the Board's recommendation.</p> <p><i>C. CEQA Appeals. To the extent this Title authorizes a non-elected decisionmaker to take action on the adequacy of the CEQA review, said action shall be appealable to the City Council consistent with Pub. Res. Code § 21151(c) provided that: (1) all administrative appeals were exhausted; (2) appeal is filed within ten (10) days of the decision becoming final; and (3) the appeal is filed in a form and manner required by the Planning Division.</i></p>	
20.15.030	<p>Public Hearing and Notice.</p> <p>A. All designations, modifications of designations, and/or dedesignations require a public hearing ("hearing").</p> <p>B. Upon the filing of a complete application, a matter shall be set for hearing before the Board within 90 days. The Board may continue a hearing.</p> <p>C. Notice of hearing.</p> <p>1. Notice of the hearing shall be mailed or delivered at least ten days prior to the hearing to:</p> <p>a) The owner of the subject real property or the owner's duly authorized agent, and the project applicant; and</p> <p>b) All owners of real property on the latest records of the County Assessor within 300 feet of the real property. If the number of owners to whom notice would be mailed or delivered is greater than 1,000, the City may, in lieu of mailing or delivering the notice,</p>	<p>Public Hearing and Notice.</p> <p>A. All designations, modifications of designations, and/or de-designations require a public hearing ("Hearing").</p> <p>B. All recognitions and derecognitions require a Public Hearing.</p> <p>C. Upon the filing of a complete application, a matter shall be set for hearing before the Board within 90 days. The Board may continue a hearing.</p> <p>D. Notice of Hearing.</p> <p>1. Notice of the hearing shall be mailed or delivered at least ten (10) days prior to the Hearing to:</p> <p>a) The owner of the subject real property or the owner's duly authorized agent, and the project applicant; and</p> <p>b) All owners and occupants of real property on the latest records of the County Assessor within 300 feet of the real property. If the number of owners to whom notice would be mailed or</p>	<p>Public Hearing and Notice.</p> <p>A. All designations, modifications of designations, and/or de-designations require a public hearing ("Hearing").</p> <p>B. All recognitions and derecognitions require a Public Hearing.</p> <p>C. Upon the filing of a complete application, a matter shall be set for hearing before the Board within 90 days. The Board may continue a hearing.</p> <p>D. Notice of Hearing.</p> <p>1. Notice of the hearing shall be mailed or delivered at least ten (10) days prior to the Hearing to:</p> <p>a) The owner of the subject real property or the owner's duly authorized agent, and the project applicant; and</p> <p>b) All owners and occupants of real property on the latest records of the County Assessor within 300 feet of the real property. If the number of owners to whom notice would be mailed or</p>	<p>Significant changes bolded, including:</p> <ul style="list-style-type: none"> • Adding Points of Cultural Interest • Adding occupants to noticing • Adding noticing request <p>Add Recognition of Points of Cultural Interest to Public Hearings; Not currently included in noticing</p> <p>Addresses Board Member Sisson's concerns regarding lack of noticing. Bolded & italicized</p>

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	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 days prior to the hearing.	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. c) Any person or entity that has filed a request for notice to either the Historic Preservation Officer or Qualified Designee or CCED. To the extent permitted under state and local law, the City may use electronic mail as a means to providing notice. The City may require requests for notices to be annually renewed.	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. c) <i>Any person or entity that has filed a request for notice to the Planning Division. To the extent permitted under state and local law, the City may use electronic mail as a means to providing notice. The City may require requests for notices to be annually renewed.</i>	
20.15.040	Meeting and notice for Certificates of Appropriateness by Board. A. No public hearings are required. The application shall be set as a discussion calendar item for the Board meeting. B. Upon the filing or referral of a complete application, a matter shall be set for a Board meeting within 90 days. The Board may continue a matter as it deems appropriate. C. Notice shall be given to the property owner and to the owners of adjacent properties or those across a street or alley.	Meeting and Notice for Certificates of Appropriateness by Board. A. Public hearings are required. The application shall be set as a discussion calendar item for the Board meeting. B. Upon the filing or referral of a complete application, a matter shall be set for a Board meeting within ninety (90) days. The Board may continue a matter as it deems appropriate. C. Notice shall be given to: (a) the property owner; (b) all owners and occupants of real property abutting, adjacent, across a street or alley, and within 300 feet of the subject property; (c) Ward Office representing the site; and (d) any other interested person or person requesting notice. To the extent permitted under state and local law, the City	Meeting and notice for Certificates of Appropriateness by Board. A. No public hearings are required. The application shall be set as a discussion calendar item for the Board meeting. B. Upon the filing or referral of a complete application, a matter shall be set for a Board meeting within 90 days. The Board may continue a matter as it deems appropriate. C. Notice shall be mailed or delivered, at least ten days prior to the meeting, to: 1. The owner of the subject real property or the owner's duly authorized agent, and the project applicant. 2. All owners and occupants of real property within 300 feet of the real property. If the number of owners to whom notice would be mailed or delivered is greater than 1,000, the City may, in lieu of mailing or delivering the notice, provide notice by	Significant changes bolded , including: <ul style="list-style-type: none">• Increase noticing to 300 ft radius.• Add noticing requests.• Add referrals from Council City Council referral back to CHB not currently addressed Addresses Board Member Sisson's concerns regarding noticing. Bolded & Italicized

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		<p>may use electronic mail as a means to providing notice.</p> <p>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.</p>	<p><i>placing an advertisement of at least one-eighth page in at least one newspaper of general circulation within the City at least ten days prior to the meeting.</i></p> <p>3. Any person or entity that has filed a request for notice to the Planning Division. To the extent permitted under state and local law, the City may use electronic mail as a means to providing notice.</p> <p>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.</p>	
20.15.050	<p>Meeting and notice for Administrative Certificates of Appropriateness.</p> <p>A. No public hearings are required. The application shall be considered by the Historic Preservation Officer or Qualified Designee administratively.</p> <p>B. Within 60 days, the Historic Preservation Officer or Qualified Designee must act upon a complete application or refer the application to the Board.</p> <p>C. Except as otherwise provided in this title, notice shall be given to the property owner and to the owners of adjacent properties or those across a street or alley.</p>	<p>Meeting and notice for Administrative Certificates of Appropriateness and other Quasi-Adjudicatory Actions.</p> <p>A. No public hearings are required. The application for an Administrative Certificates of Appropriateness and other quasi-adjudicatory actions (e.g., demolition permits) shall be considered by the Historic Preservation Officer or Qualified Designee administratively.</p> <p>B. Within 60 days, the Historic Preservation Officer or Qualified Designee must act upon a complete application or refer the application to the Board.</p> <p>C. Notice shall be given to: (a) the property owner; (b) the owners and occupants of real property abutting, adjacent, across a street or alley, and within 300 feet of the subject property; (c) the Board; (d) the Ward Office representing the site; properties or those across a street or alley(e) any other interested</p>	<p>Meeting and notice for Administrative Certificates of Appropriateness.</p> <p>A. No public hearings are required. The application shall be considered by the Historic Preservation Officer or Qualified Designee administratively.</p> <p>B. Within 60 days, the Historic Preservation Officer or Qualified Designee must act upon a complete application or refer the application to the Board.</p> <p>C. Except as otherwise provided in this Title, notice shall be mailed or delivered, at least ten days prior to action to:</p> <ol style="list-style-type: none"> <i>The property owner of the subject real property or the owner's duly authorized agent, and the project applicant.</i> <i>Owners and occupants of adjacent properties or those across a street or alley.</i> 	<p>Significant changes bolded</p> <p>Addresses Board Member Sisson's concerns regarding noticing . Bolded & italicized</p>

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		person or person requesting notice; and (f) conspicuously posted on the City’s website during any applicable appeal period. To the extent permitted under state and local law, the City may use electronic mail as a means to providing notice.	<p>3. Any person or entity that has filed a request for notice to the Planning Division. To the extent permitted under state and local law, the City may use electronic mail as a means to providing notice.</p> <p>D. Projects mandated by state law to be reviewed ministerially are exempt from all noticing requirements.</p>	
20.15.090	<p>Appeals.</p> <p>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's decision. The appeal must be made by filing a letter of appeal with the Planning Division. The letter shall set forth the grounds for the appeal. The appeal shall be scheduled for the next available Board meeting. The Board may recommend to affirm, reverse or modify the underlying Historic Preservation Officer or Qualified Designee's decision to the City Council. Board decisions are final unless appealed as provided for in section 20.15.090.B (below).</p> <p>B. Appeal of Board action. 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. The appeal must be made by filing a letter of appeal with the Planning Division and shall set forth the grounds for the appeal. The appeal shall first be heard by the Land Use Committee</p>	<p>Appeals and Referrals.</p> <p>A. Appeals</p> <p>1. Administrative action.</p> <p>a) Any person aggrieved or affected by an Administrative Certificate of Appropriateness, demolition review, or other quasi-adjudicatory decision may appeal that decision to the Board within ten days of the Historic Preservation Officer or Qualified Designee’s decision. For quasi-adjudicatory actions, the appeal deadline shall start the following day after notice has been given pursuant to section 20.15.050.</p> <p>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.</p> <p>c) If the tenth day is on a weekend or holiday the appeal is extended to the end of the next regular business day</p> <p>d) The letter shall set forth the grounds for the appeal.</p>	<p>Appeals and Referrals.</p> <p>A. Appeals</p> <p>1. Administrative action.</p> <p>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.</p> <p>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.</p> <p>c) If the tenth day is on a weekend or holiday the appeal is extended to the end of the next regular business day.</p> <p>d) The letter shall set forth the grounds for the appeal.</p> <p>e) To the extent feasible, the appeal shall be scheduled for a Board meeting date mutually agreed upon by the person filing the appeal, the applicant and the City.</p>	<p>Revise Appeals Process and add Referral to meet current practices and consistency with Title 19 (Zoning)</p> <p>Significant changes bolded, including:</p> <ul style="list-style-type: none"> • Adding filing fee • Adding tenth day adjustment on weekends • Noticing moved into specific action • Specifying board appeals to go to Council • Specifies meeting date timing • Adding board referral

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	<p>at its next available meeting, which shall then make a recommendation to the City Council.</p> <p>C. Notice.</p> <ol style="list-style-type: none"> 1. Notice of the time and place of the Land Use Committee meeting shall be sent to the Applicant and Appellant. 2. The notice for the City Council action shall be the same as for the original action. 	<ol style="list-style-type: none"> e) To the extent feasible, the appeal shall be scheduled on a Board meeting date mutually agreed upon by the person filing the appeal, the applicant and the City. f) The Board may recommend affirming, reverse or modify the underlying Historic Preservation Officer or Qualified Designee's decision to the City Council. g) Board decisions are final unless timely appealed or referred to City Council. h) For appeal of Administrative actions, notice of the time and place of the Cultural Heritage Board meeting shall be sent to the Applicant and Appellant, and as set forth in this Title <p>2. Board Action.</p> <ol style="list-style-type: none"> a) Any person affected by the Board action may appeal to the City Council within ten calendar days after the date of the Board's decision. b) The appeal must be made by filing a letter of appeal with the Planning Division and shall be accompanied by a filing fee as established by City Council resolution. c) If the tenth day is on a weekend or holiday the appeal is extended to the end of the next regular business day. d) The letter shall set forth the grounds for the appeal. e) The appeal shall be scheduled for a City Council meeting date mutually agreed upon by the person filing the appeal, the applicant and the City. 	<ol style="list-style-type: none"> 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 or referred by City Council within ten days of the Board action. 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. <p>2. Board Action.</p> <ol style="list-style-type: none"> a) Any person affected by the Board action may appeal to the City Council within ten calendar days after the date of the Board's decision. b) The appeal must be made by filing a letter of appeal with the Planning Division and shall be accompanied by a filing fee as established by City Council resolution. c) If the tenth day is on a weekend or holiday the appeal is extended to the end of the next regular business day. d) The letter shall set forth the grounds for the appeal. e) The appeal shall be scheduled for a City Council meeting date mutually agreed upon by the person filing the appeal, the applicant and the City. f) City Council decisions are final. g) For appeals of Cultural Heritage Board actions, notice of the time and place of the City Council meeting shall be the same as for the original action. 	

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		<p>f) City Council decisions are final.</p> <p>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.</p> <p>B. Referral of Historic Preservation Officer and Board actions.</p> <p>1. HPO Actions: Any member of the Cultural Heritage Board may refer any action taken by the Historic Preservation Officer or Qualified Designee's decision or other person acting on its behalf for consideration on the Board's discussion calendar agenda by notifying the Historic Preservation Officer and Community & Economic Development Director. If not referred or otherwise appealed within ten days of the HPO action, the action of the HPO is final.</p> <p>2. Board Actions: The Mayor or any member of the City Council may refer any action taken by the Cultural Heritage Board the matter for consideration on the City Council's discussion calendar agenda by notifying the Community & Economic Development Director. 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.</p>	<p>B. Referral of Board action.</p> <p>1. The Mayor or any member of the City Council may refer any action taken by the Cultural Heritage Board for consideration on the City Council's discussion calendar agenda by notifying the Community & Economic Development Director.</p> <p>2. If not referred by the Mayor or City Council, or otherwise appealed within ten days of the Board action, the action of the Board is final.</p>	
20.15.100	<p>Effective date.</p> <p>A. Certificates of Appropriateness shall be effective the first regular business day after the end of the ten day appeal period. Filing of an appeal stays the effective date pending action on the appeal.</p>	<p>Effective date.</p> <p>A. Certificates of Appropriateness, demolition review, and other quasi-adjudicatory decision shall be effective the first regular business day after the end of the ten-day appeal period.</p>	<p>Effective date.</p> <p>A. Certificates of Appropriateness shall be effective the first regular business day after the end of the ten-day appeal period. Filing of an appeal or referral stays the effective date pending action on the appeal.</p>	Add referral to effective date

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	...	Filing of an appeal or referral stays the effective date pending action on the appeal.	
20.20.020	<p>Designation application.</p> <p>The Board, City Council, or any person may apply for the designation, modification, or dedesignation of a landmark, structure or resource of merit, Historic District, or modification or dedesignation of Neighborhood Conservation Area status. Applications for designation, modification, or dedesignation shall be on forms provided by the Planning Division.</p> <p>No structure may be designated as a landmark or a structure or resource of merit, nor may any designation be modified or repealed (dedesignated), without the prior written consent of the owner.</p> <p>The City no longer allows designation of Neighborhood Conservation Areas.</p>	Eliminate owner consent	<p>Designation application.</p> <p>The Board, City Council, or any person may apply for the designation, modification, or dedesignation of a landmark, structure or resource of merit, Historic District, or modification or dedesignation of Neighborhood Conservation Area status. Applications for designation, modification, or dedesignation shall be on forms provided by the Planning Division.</p> <p>No structure may be designated as a landmark or a structure or resource of merit, nor may any designation be modified or repealed (dedesignated), without the prior written consent of the owner. <i>Based on the Board recommendation the City Council's may consider overriding a property owner objection with a 5/7's majority vote, provided a finding can be made that the structure is of unique value.</i></p> <p>The City no longer allows designation of Neighborhood Conservation Areas.</p>	<p>Significant changes bolded</p> <p>Addresses CHB concerns regarding owner consent. Bolded & italicized</p>
20.20.080	<p>Overlay Zone.</p> <p>A. Pursuant to Title 19, upon any Designation, the Cultural Resources Overlay Zone applies to the subject property or parcel</p>		<p>Overlay Zone</p> <p>A. Pursuant to Title 19, upon any Designation, the Cultural Resources Overlay Zone applies to the subject property or parcel</p> <p>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</p>	Revise language to include rezoning that is currently in definitions chapter, not easily found

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			the district. This process shall follow the requirements outlined in Title 19.	
20.20.120	Designation Process in Flow Chart From		Remove flow chart.	Ordinance change would be required to update the flow chart with process changes. Can be accomplished with a counter handout.
20.22 (New Chapter Suggested)		<p>Chapter 20.22</p> <p>DEMOLITION REVIEW</p> <p>Sections:</p> <p>20.22.010 Title.</p> <p>20.22.020 Purpose and Intent.</p> <p>20.22.030 Applicability.</p> <p>20.22.040 Definitions.</p> <p>20.22.050 Demolition Permit Application</p> <p>20.22.060 Notice of Intent to Demolish Requirement.</p> <p>20.22.070 Demolition Permit Review.</p> <p>20.22.080 Mitigation Measures and Conditions of Approval.</p> <p>20.22.090. Exceptions.</p> <p>(See Attached redlines for full text.</p>		See Section 20.25.010 for new text to address demolition review.
20.23 (New Chapter Suggested)		<p>Chapter 20.23</p> <p>PRELIMINARY CONSULTATION</p> <p>Sections:</p> <p>20.23.010 Purpose and Intent.</p> <p>20.23.020 Applicability.</p>		See Section 20.25.021 for new text to address preliminary review. Additionally, staff preliminary review is included as part of Section 20.25.020, completeness review.

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		<p>20.23.010 Purpose and Intent. The early consultation is established to provide a means of reviewing development projects to ensure that these projects are compatible with applicable rules and guidelines affecting cultural resources and Title 20, including architectural design, massing and scale, context, color palette, signage and landscaping. Early consultation serves the City and applicant in identifying key issues, concerns, and objective early in the planning/entitlement process, including but not limited to:</p> <ol style="list-style-type: none"> 1. Achieve better projects through early consultation between City staff and applicants; 2. Coordinate reviews of projects among City staff and City departments; 3. Familiarize applicants for the projects with the regulations and procedures that apply to the projects; 4. Avoid significant investment in the design of a project without preliminary - directions from City staff; 5. Identify issues that may arise during review of the projects (e.g., conformance with any applicable design guidelines, conformance with the goals, policies, and objectives of the Title 20 and the purpose and intent of any applicable specific plan, environmental requirements and possible recommended mitigation measures, possible recommended conditions of approval, requirements for public improvements, 		

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		<p>and possible concerns from adjoining neighborhoods);</p> <p>6. Provide opportunities for discussion about the projects and an exchange of information on potential issues between City staff and the applicants for the projects; and</p> <p>7. Inform the Council and the public of proposed development projects defined in the administrative guidelines to be of communitywide significance, by presenting the predevelopment plan review report at a Council meeting. This presentation shall only be for the purpose of informing the Council and the public of a proposed project, and not for the purpose of discussing the merits of the proposed project.</p> <p>20.23.020 Applicability. All projects subject to Title 20 are required to seek early consultation from either the HPO or Board, subject to the following:</p> <p>A. Informal Consultation. At minimum, informal early consultation with HPO is required prior to or subsequent to an applicant filing an application required under Title 20. At its sole-discretion, the HPO may notify and forward the application and relevant documents to the Board for its comments. Alternatively, the HPO may refer a matter for a formal consultation before the Board.</p> <p>B. Formal Consultation. Significant projects involving major alterations (as defined below), early consultation shall be conducted by the</p>		

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		<p>Board subject to a public hearing consistent with section 20.15.030. The matter shall be scheduled for the Board’s discussion calendar. The HPO shall prepare a report including conceptual site plan, application materials, renderings, and any other relevant documents provided by the applicant. The HPO report should identify the relevant approvals, guidelines, and criteria applicable to any future approval or action taken by the HPO or Board. The Applicant shall have an opportunity to present its project to the Board, followed by public comment, followed by questions and feedback from the Board and staff. No formal action or commitment to any specific project alternative shall be taken at said hearing.</p> <p>C. Major Projects/Alterations. Significant projects involving major alterations requiring formal consultation before the Board shall include but not limited to the following:</p> <ol style="list-style-type: none">1. New construction on vacant land within a Historic District;2. For Designated or Eligible Cultural Resource or Contributors to a Historic District or NCA: (a) demolition, relocation, and/or replacement; (b) addition to structures exceed 50% of its square footage; (c) alterations to 50 % of its exterior walls and/or roof facing a public street; and/or (d) construction of an additional story;3. Proposed work exceeding \$250,000 in value involving a public, commercial, or non-residential project.4. Multi-family projects consisting of ten or more dwelling units.		

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		<p>D. Voluntary Formal Consultation. Any applicant may request formal consultation before the Board regardless of the project size.</p> <p>E. Coordination. Nothing herein shall prevent the City from coordinating early consultation with other requirements under the Code, including but not limited to Design Review (RMC § 19.710 et seq.).</p>		
20.25.010	<p>Certificates of Appropriateness, generally.</p> <p>A Certificate of Appropriateness is required before any person restores, rehabilitates, alters, develops, constructs, demolishes, removes or changes the appearance of any designated Cultural Resource, eligible Cultural Resource, any element in a geographic Historic District (contributing and non-contributing), or a contributing feature or contributor to a Neighborhood Conservation Area. The requirements of this chapter are in addition to any and all other City permit requirements.</p> <p>Except as set forth in Section 20.25.030, Certificates of Appropriateness shall be reviewed by the Cultural Heritage Board.</p> <p>No Certificate of Appropriateness is required for a historic structure 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 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</p>		<p>Certificates of Appropriateness Required.</p> <p>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:</p> <ol style="list-style-type: none"> 1. Designated Cultural Resource; 2. Eligible Cultural Resource; or 3. Any element in a geographic Historic District (contributing and non-contributing) or Neighborhood Conservation Area (contributor). <p>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.</p> <p>C. <i>For the demolition of structures not previously identified as Eligible Cultural Resources, the Community & Economic Development Director and Historic Preservation Officer may require a Cultural Resources Report be prepared pursuant to Section 20.26.010 to determine if the structure is eligible for designation. If the subject property is found eligible for</i></p>	<p>Reorganized to clearly define when a COA is required</p> <p>Substantive changes bolded, including:</p> <ul style="list-style-type: none"> • Move language regarding alteration from definitions chapter. • Move language regarding non-contributors from the definitions chapter. <p>Text added to address concerns regarding demolition. Bolded & italicized</p>

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	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.		<p><i>designation, a Certificate of Appropriateness and associated CEQA review is required pursuant to this title.</i></p> <p>D. 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.</p>	
20.25.015 (New Section)			<p>Certificates of Appropriateness Not Required.</p> <p>No Certificate of Appropriateness is required for:</p> <p>A. Dangerous Condition:</p> <ol style="list-style-type: none"> 1. 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 2. 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. 3. 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. <p>B. Structures found ineligible for historic designation in an adopted Cultural resource survey, Section 20.50.010, or a Cultural Resource Report, Section 20.26.010.</p>	Reorganized to clearly identify when a COA is not required; moved from 20.25.010

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			C. Non-contributors and Non-contributing features in Neighborhood Conservation Areas are not subject to the Certificate of Appropriateness requirements.	
20.25.020	<p>Application.</p> <p>Applications for a Certificate of Appropriateness shall be made on forms provided by the Planning Division. Applications shall include plans and specifications showing the design, materials, colors, landscaping, and irrigation relating to the proposed improvements. Where required, applications shall also show the relationship of the proposed work to the surrounding environs. 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. 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.</p>	<p>Application</p> <p>....</p> <p>4. City inactivity determination.</p> <p>a) The City, at its discretion, may deem any application inactive if it remains incomplete for 180 calendar days from the date of the original submittal and no meaningful progress has been taken by the applicant in response to deficiencies with the application.</p> <p>b) The City shall notify the applicant in writing of its intention to deem the application inactive at least 30 calendar days prior to determination.</p> <p>c) Subsequent to an application being deemed complete, the City may terminate an application due to inactivity consistent with the above procedures.</p>	<p>Application.</p> <p>A. Submittal requirements.</p> <p>1. Applications for a Certificate of Appropriateness shall be made on forms provided by the Planning Division. Applications shall include:</p> <p>a) Plans and specifications showing the design, materials, colors, landscaping, and irrigation relating to the proposed improvements.</p> <p>b) Where required, applications shall also show the relationship of the proposed work to the surrounding environs.</p> <p>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.</p> <p>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.</p> <p>2. Signature and fees required.</p>	<p>Clearly identify the application process, codify current practice, consistency with Title 19 (Zoning)</p> <p>Substantive changes bolded, including:</p> <ul style="list-style-type: none"> • Signatures and fees • Indemnification • Applicant requested workshops • Application completeness review <p>Inactivity text revised to address Board Member Sisson’s concerns.</p> <p>Multiple review language added to address Board Member Sisson concerns. Bolded & italicized</p>

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			<div><div>a) Applications will not be accepted by the Planning Division without required signed application forms and permit.</div><div>b) Any owner, owner's authorized representative or the City Manager, or his/her designee, may sign an application.</div><div>c) Applicable fees shall be those established by City Council Resolution and published in the Schedule of Fees available from the Planning Division.</div><div>3. Indemnification.</div><div><div>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:<div><div>i. Any such approval of the City: and/or</div><div>ii. An action taken to provide environmental clearance under CEQA by its advisory agencies, appeal boards or City Council.</div></div></div><div>b) The owner and/or applicant shall execute an indemnification agreement in a form acceptable to the City Attorney.</div></div></div>	

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			<p>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.</p> <p>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:</p> <ul style="list-style-type: none"> i. The counsel to so defend the City; ii. All significant decisions concerning the manner in which defense is conducted; and iii. Any and all settlements, which approval shall not be unreasonably withheld. <p>e) The City shall also have the right not to participate in the defense, except that the City agrees to cooperate with the applicant in the defense of the proceeding. If the City chooses to have counsel of its own defend any proceeding where the applicant has already retained counsel to defend the City in such matters, the fees and expenses of the counsel selected by the City shall be paid by the City.</p> <p>B. Preliminary Review: Prior to an application being deemed complete a workshop before the Board may be held as specified in Section 20.25.021.</p>	

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			<p>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:</p> <ol style="list-style-type: none">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 the principles and standards as set forth in this Title.3. Withdrawals.<ol style="list-style-type: none">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.	

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			<p>a) The City, at its discretion, may deem any application inactive if it remains incomplete for 180 calendar days from the date of the original submittal and no meaningful progress has been taken by the applicant in response to deficiencies with the application.</p> <p>b) The City shall notify the applicant in writing of its intention to deem the application inactive at least 30 calendar days prior to determination.</p> <p>c) Subsequent to an application being deemed complete, the City may terminate an application due to inactivity consistent with the above procedures.</p> <p>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.</p> <p><i>D. Relationship to other Discretionary Approvals: If a project requires other Planning Entitlements under Title 19, the Certificate of Appropriateness review shall occur concurrent with or prior to the review of the associated entitlements, by the appropriate approval authority.</i></p>	
20.25.021 (New Section)			<p>Preliminary Review</p> <p>A. Purpose and intent: Identify concern that may arise during review of the projects, including suggestion for obtaining consistency with the Principles and Standards of Site Development</p>	Added to address Board Members concerns regarding preliminary review.

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			<p>and Design Review, as included in Section 20.25.050.</p> <p>B. Applicability:</p> <ol style="list-style-type: none"> For projects at a City Landmarks & Structures of Merit, designated or found eligible for pursuant to a Cultural Resources Report or survey, that are subject to Board review: Prior to an application being deemed complete, the project shall be submitted to the Board as a workshop to seek input and direction on the proposed project, as authorized under Title 20. All Other Projects: Prior to an application being deemed complete, an applicant may request a workshop before the Board to seek input and direction on a proposed project. 	
20.25.025 (New Section)			Board Certificate of Appropriateness. Except as set forth in this Chapter, Certificates of Appropriateness shall be reviewed by the Cultural Heritage Board.	Clearly identify when a Board COA is required, relocate text from section 20.25.010
20.25.030	<p>Administrative Certificates of Appropriateness.</p> <p>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:</p> <p>A. For all cultural resources, including landmarks (designated and eligible):</p> <ol style="list-style-type: none"> The in-kind replacement of historically-correct architectural features or building elements, including windows, doors, exterior siding, roofs, porches, cornices, 	<p>Administrative Certificates of Appropriateness.</p> <p>C. For Non-contributing Features and Non-contributors in a Historic District, all actions except:</p> <ol style="list-style-type: none"> Demolition. New and in-fill construction. Large additions (increasing floor area by 50% or more). Increasing the number of stories (e.g., adding a second story to a single-story structure). 	<p>Administrative Certificates of Appropriateness.</p> <p>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:</p> <p>A. For any Cultural Resource, including Landmarks:</p> <ol style="list-style-type: none"> New or replacement fences, walls, awnings, signs, and/or exterior lighting. The in-kind replacement of historically correct architectural features or building 	<p>Reorganized to clearly identify administrative COAs.</p> <p>Revised COA list for process streamlining</p> <p>Substantive changes bolded, including:</p> <ul style="list-style-type: none"> City Landmarks to include:

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	<p>balustrades, stairs, and the like, that are deteriorated, damaged beyond restoration, or previously removed.</p> <p>2. The in-kind replacement of historically correct site, or landscape features that are deteriorated, damaged beyond restoration, or previously removed.</p> <p>3. Exterior painting of commercial properties, designated landmarks, and landmarks determined eligible for designation. Surfaces allowed to be painted include only those that were originally intended to be painted and exclude all other surfaces, such as brick, concrete, and stone.</p> <p>B. For all cultural resources, except designated landmarks:</p> <p>1. One-story additions, auxiliary structures or similar (excluding attached garages) less than 50 percent of the size of the existing main structure (or 1,000 square feet area, whichever is smaller, for residential), with limited or no visibility from public streets.</p> <p>2. Fences and walls.</p> <p>3. Awnings and signs.</p> <p>4. Removal or alteration of landscape features, such as walkways, planter walls, fountains, and in certain circumstances mature foliage, that contribute to the historic character of the property but are not designated or listed as contributing to a designated resource.</p> <p>5. Paving for driveways, walkways and/or patios, and the addition of or alteration to driveway approaches, subject to WQMP requirements.</p> <p>6. Exterior lighting.</p>	<p>D. Under A, B and C above, the Historic Preservation Officer or Qualified Designee may waive meeting requirements and/or formal application forms for cases that are immediately determined to meet all required findings because involve alterations deemed insignificant or having no impact on the significance or integrity of the Cultural Resources. However, notice of the administrative action must be provided in accordance with section 20.15.050.</p>	<p>elements, including windows, doors, exterior siding, roofs, porches, cornices, balustrades, stairs, and the like, that are deteriorated, damaged beyond restoration, or previously removed.</p> <p>3. The in-kind replacement of historically correct site, or contributing landscape features that are deteriorated, damaged beyond restoration, or previously removed.</p> <p>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 resource but are not designated or listed as contributing to a designated resource.</p> <p>5. The removal of inappropriate additions or alterations to restore the original appearance of a structure.</p> <p>6. New paving for driveways, walkways and/or patios, and the addition of or alteration to driveway approaches, subject to WQMP requirements.</p> <p>7. 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</p> <p>B. For any Cultural Resource, excluding Landmarks:</p> <p>1. One-story additions to a single-story structures less than 50% of the size of the existing main structure (or 1000 square feet area, whichever is smaller, for</p>	<p>○ Minor projects, such as fencing,</p> <p>○ Landscape</p> <p>○ Removal of inappropriate additions</p> <p>○ Driveways and walkways</p> <p>Additional language added to address concerns regarding over-the-counter reviews. Bolded & italicized</p>

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	<p>7. The removal of inappropriate additions or alterations to restore the original appearance of a structure.</p> <p>8. Demolition of a, or the replacement of a previously existing, one-story, detached garage and construction of a new one-story, detached garage that is architecturally compatible with the existing residence and character-defining features of the existing neighborhood and the area devoted to parking does not exceed 400 square feet, or the minimum size for a two-car garage as required by the City Zoning Code, whichever is greater. Maximum size of the structure shall not exceed City Zoning Code requirements.</p> <p>C. For non-contributing features and non-contributors in a Historic District, all actions except:</p> <ol style="list-style-type: none"> 1. Demolition. 2. New and in-fill construction. 3. Large additions (increasing floor area by 100 percent or more). 4. Increasing the number of stories (e.g., adding a second story to a single-story structure). <p>D. Under A, B and C 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 are so minor in nature or involve alterations deemed insignificant.</p>		<p>residential), with limited or no visibility from public streets.</p> <p>2. Two-story Accessory Dwelling Unit (ADU) and second-story additions to existing single-story auxiliary structures (excluding attached garages) for an ADU, when the main residence is at least two-stories in height.</p> <p>3. 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.</p> <p>C. For non-contributing features and non-contributors in a Historic District, all actions except:</p> <ol style="list-style-type: none"> 1. Demolition. 2. New and in-fill construction. 3. Large additions (increasing floor area by 50% or more). 4. Increasing the number of stories (e.g., adding a second story to a single-story structure). <p>D. Under A, B, and C 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, such as fences, landscaping, like-for-like repairs, or similar.</p>	

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20.25.050	Principles and standards of site development and design review.	Principles and Standards of Site Development and Design Review	Principles and Standards of Site Development and Design Review	Create separate standards for Individual Resource and project within a historic district,
	<p>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.</p> <p>A. The application proposal is consistent or compatible with the architectural period and the character-defining elements of the historic building;</p> <p>B. The application proposal is compatible with existing adjacent or nearby Cultural Resources and their character-defining elements;</p> <p>C. The colors, textures, materials, fenestration, decorative features, details, height, scale, massing and methods of construction proposed are consistent with the period and/or compatible with adjacent Cultural Resources;</p> <p>D. The proposed change does not adversely affect the context considering the following factors: grading; site development; orientation of buildings; off-street parking; landscaping; signs; street furniture; public areas; relationship of the project to its surroundings;</p> <p>E. The proposed change does not destroy or adversely affect an important architectural, historical, cultural or archaeological feature or features;</p> <p>F. The project is consistent with the Citywide Residential Historic District Design Guidelines, approved guidelines for each Historic District, and/or any other applicable Design Guidelines; and</p>	<p>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.</p> <p>A. For proposed projects involving individually significant Cultural Resources (i.e. City Landmarks, Structures of Merit, etc.), the proposed project should demonstrate:</p> <ol style="list-style-type: none"> 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, and method of construction; 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. 4. Consistency with the principles of the Secretary of the Interior's Standards for the Treatment of Historic Properties and other federal, state, and/or local guidelines. 	<p>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.</p> <p>A. For proposed projects involving individually significant Cultural Resources (i.e. City Landmarks, Structures of Merit, etc.), the proposed project should demonstrate:</p> <ol style="list-style-type: none"> 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, and method of construction; 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. 5. <i>As applicable, consistency with other federal, state, and/or local guidelines.</i> 	<p>Create project at non-contributors to historic district. Currently the definitions chapter states "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." No standards have ever been created.</p> <p>Incorporate Board Member Sisson's language suggestion. Bolded & italicized</p>

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	G. The project is consistent with the principles of the Secretary of the Interior's Standards for the Treatment of Historic Properties.	<p>B. For proposed projects involving contributors or contributing feature within Historic Districts and Neighborhood Conservations Areas, the proposed project should demonstrate:</p> <ol style="list-style-type: none"> 1. Compatibility with the height, scale, or massing of the contributor (or contributing feature) to the Cultural Resource; 2. Compatibility with the colors, textures, materials and decorative features of the contributor (or contributing feature) to 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 boundary of 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. <p>C. For Non-contributors in a Historic District, the proposed project should demonstrate:</p> <ol style="list-style-type: none"> 1. Compatibility with the height, scale, or massing of contributors within the Historic District, and as allowed by Title 19-Zoning; 2. Compatibility with the colors, textures, roof forms, and materials of contributors or 	

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			<p>architectural period within the Historic District;</p> <p>3. That the proposed project does not pose an adverse change to the Historic District or its context;</p> <p>4. Consistency with the Citywide Residential Historic District Design Guidelines and the Historic District guidelines; and</p> <p>5. Consistency with the principles of the Secretary of the Interior's Standards for the Treatment of Historic Properties.</p>	
20.25.060	<p>Appeals</p> <p>For appeals of any approval, conditional approval or denial of a Certificate of Appropriateness under this Chapter, see Section 20.15.090(A) and/or 20.15.090(B) as applicable</p>		<p>Appeals</p> <p>Section 20.15.090 shall apply for appeals of any approval, conditional approval or denial of a Certificate of Appropriateness under this Chapter.</p>	Revise text references to appeals due to reorganization
20.25.080	Certificate of Appropriateness Process in Flow Chart From		Remove flow chart.	Ordinance change would be required to update the flow chart with process changes. Can be accomplished with a counter handout.
20.26 (New Chapter)			<p>CHAPTER 20.26 ARCHAEOLOGICAL AND TRIBAL CULTURAL RESOURCES</p> <p>SECTIONS: 20.26.010 CULTURAL RESOURCES REPORT. 20.26.020 TRIBAL CONSULTATION.</p> <p>Section 20.26.010 Cultural Resources Reports.</p> <p>A Cultural Resources Report, meeting the requirements established by the Planning Division, may be required for any discretionary action that</p>	Codify current practice related to Cultural Resources Reports to provide basis for requests.

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			<p>meets at least one on the following criteria, as determined by the Historic Preservation Officer or Qualified Designee:</p> <p>A. The proposed project has the potential to impact a Cultural Resource (designated or eligible) as defined in this Title.</p> <p>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.</p> <p>C. The project is located near a known archeological site such as:</p> <ol style="list-style-type: none">1. Within 1,000 feet of a documented site; or2. Within or adjacent to an area of high archeological sensitivity as defined by the City’s General Plan. <p>D. Contains site features such as:</p> <ol style="list-style-type: none">1. Steep slopes that are undeveloped;2. Canyons;3. Arroyos;4. Rivers or streams and/or adjacency;5. Rock outcroppings: and/or6. Undeveloped land at the base of steep slopes.7. The Eastern Information Center determination that a Phase 1 Archeological Study is necessary. <p>Section 20.26.020 Tribal Consultation.</p> <p>When required, Tribal Consultation shall be completed in accordance with CEQA.</p>	
20.30.030	Historic Preservation Fund. . .		Historic Preservation Fund. . .	Address HPFC request to modify meeting schedule. Revised language Bolded

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	<p>B. The fund shall be administered by a Historic Preservation Fund Committee.</p> <ol style="list-style-type: none"> 1. The Committee membership shall consist of five members, serving two-year terms. The Cultural Heritage Board shall designate two of its members to serve as representatives, and the City Council representative shall be appointed by the Mayor's Nominating and Screening Committee ("Council Committee"). The remaining two shall be City residents affiliated with separate Riverside-specific historic preservation organizations and appointed by the Council Committee. Interested persons must submit applications for appointment no later than 30 days before the meeting during which the Council Committee selects the representatives. 2. The Committee shall undertake all discretionary program acts not in conflict with this section and title. The Committee, with City Council approval by resolution, may designate discretionary program approval authority. 3. The Committee shall establish meeting rules, application deadlines, and the frequency of meetings; however, the Committee shall meet at least quarterly and shall consider any submitted grant applications at least semiannually. 4. The Committee shall develop criteria and a selection process for evaluating applications, including guidelines for 		<p>B. The fund shall be administered by a Historic Preservation Fund Committee.</p> <ol style="list-style-type: none"> 1. The Committee membership shall consist of five members, serving two-year terms. The Cultural Heritage Board shall designate two of its members to serve as representatives, and the City Council representative shall be appointed by the Mayor's Nominating and Screening Committee ("Council Committee"). The remaining two shall be City residents affiliated with separate Riverside-specific historic preservation organizations and appointed by the Council Committee. Interested persons must submit applications for appointment no later than 30 days before the meeting during which the Council Committee selects the representatives. 2. The Committee shall undertake all discretionary program acts not in conflict with this section and title. The Committee, with City Council approval by resolution, may designate discretionary program approval authority. 3. The Committee shall establish meeting rules, application deadlines, and the frequency of meetings; however, the Committee shall schedule a meeting to be held at least once every quarter and shall consider any submitted grant applications semiannually, as needed 4. The Committee shall develop criteria and a selection process for evaluating applications, including guidelines for 	

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	<p>matching funds, for City Council review and approval.</p> <p>5. The Committee shall review and approve or deny applications for grants in accordance with the set criteria.</p> <p>6. A simple majority is needed for Committee action.</p> <p>7. If the Committee cannot agree upon an action, the matter shall be forwarded to the Cultural Heritage Board for review and recommendation to the Land Use Committee. Land Use Committee recommendations will be considered by the City Council in making its decision.</p> <p>8. Appeals shall follow the procedure in Section 20.15.090 (C). City Council actions are final and non-appealable.</p> <p>9. No funds shall be made available until the time to appeal has expired, or until any appeals are final.</p>		<p>matching funds, for City Council review and approval.</p> <p>5. The Committee shall review and approve or deny applications for grants in accordance with the set criteria.</p> <p>6. A simple majority is needed for Committee action.</p> <p>7. If the Committee cannot agree upon an action, the matter shall be forwarded to the Cultural Heritage Board for review and recommendation to the Land Use Committee. Land Use Committee recommendations will be considered by the City Council in making its decision.</p> <p>8. Appeals shall follow the procedure in Section 20.15.090 (C). City Council actions are final and non-appealable.</p> <p>9. No funds shall be made available until the time to appeal has expired, or until any appeals are final.</p>	
20.35.010	<p>Duty to Maintain.</p> <p>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</p>	<p>Duty to Maintain.</p> <p>Every person in possession or control, and the owner, of a Cultural Resource or a building, structure, object or site within a Historic District shall maintain and keep in good repair the exterior of that resource, and all interior portions necessary to prevent loss or deterioration of any cultural or structural integrity. “Good repair” means that level of maintenance and repair which clearly furthers the continued viability of a resource and/or premises for lawful reasonable uses and prevents loss or deterioration of the resource and/or premises. Such maintenance shall be in compliance with all applicable codes, laws and regulations governing the maintenance of</p>	<p>Duty to Maintain.</p> <p>Every person in possession or control, and the owner, of a Cultural Resource or a building, structure, object or site within a Historic District or Neighborhood Conservation Area shall maintain and keep in good repair the exterior of that resource, and all interior portions necessary to prevent loss or deterioration of any cultural or structural integrity. “Good repair” means that level of maintenance and repair which clearly furthers the continued viability of a resource and/or premises for lawful reasonable uses and prevents loss or deterioration of the resource and/or premises. Such maintenance shall be in compliance with all applicable codes, laws and</p>	<p>Substantive changes bolded.</p> <p>Text revised to address concerns regarding features within a historic district.</p> <p>Text regarding remedies already addressed under Section 20.40.050.</p>

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Section	Current Title 20 text	January 31, 2023 Suggested Modification	Subcommittee/Staff Discussed Modification	Purpose
	Development Department to the full extent permissible by law.	<p>property. In addition to any other remedies available to the City, this section shall also be enforceable by the Code Enforcement Division of the Community & Economic Development Department to the full extent permissible by law.</p> <p>Failure to maintain a Cultural Resource may result in a Determination of Nuisance and Summary Abatement. Any and all remedies are subject to Certificate of Appropriateness requirements as set forth in this title. Retroactive Certificate of Appropriateness requirements shall apply to any emergency remediation undertaken due to legal, illegal, or inadvertent demolition of a Cultural Resource or a building, structure, object, or site within a Historic District.</p>	<p>regulations governing the maintenance of property. In addition to any other remedies available to the City, this section shall also be enforceable by the Code Enforcement Division of the Community & Economic Development Department to the full extent permissible by law.</p> <p>Failure to maintain a Cultural Resource may result in a Determination of Nuisance and Summary Abatement.</p>	
20.40.010	<p>Violations</p> <p>No person shall alter or demolish a cultural resource in violation of this title, either actively or passively, including through neglect.</p>	<p>Violations</p> <p>It shall be unlawful for any person to permit or maintain violations of any of the provisions of this article by undertaking the alteration, grading, removal, demolition or partial demolition of a Cultural Resource or a building, structure, object or site within a Historic District without first obtaining written approval as provided in this article, or to defy any order or decision rendered by the Historic Preservation Officer or Qualified Designee and the Board.</p>	<p>Violations.</p> <p>No person shall alter or demolish a Cultural Resource or a building, structure, object or site within a Historic District or Neighborhood Conservation Area in violation of this title, either actively or passively, including through neglect.</p>	Text revised to address concerns regarding features within a historic district.
20.40.050	<p>Remedies.</p> <p>The City may impose one or more of the following remedies to address any violation of this Title. Selection is in the sole discretion of the City.</p> <p>A. Retroactive Compliance. Apply for and obtain a Certificate of Appropriateness as defined in</p>		<p>Remedies.</p> <p>A. Remedies shall apply to any violation of this Title. All remedies shall be cumulative to each other and not exclusive.</p> <p>B. Remedies are at the sole discretion of the City and may include one or more of the following:</p> <ol style="list-style-type: none"> Administrative Issued Certificate of 	<p>Reorganize to clearly define remedies.</p> <p>Substantive changes bolded, include:</p> <ul style="list-style-type: none"> Admin COAs Board COAs

Title 20 Modifications (June 21, 2023)

Section	Current Title 20 text	January 31, 2023 Suggested Modification	Subcommittee/Staff Discussed Modification	Purpose
	<p>Chapter 20.25, including compliance with all conditions.</p> <p>B. Restoration. A violation may be abated by restoring or reconstructing the Cultural Resource to its original condition prior to the violation. The violator must obtain a Certificate of Appropriateness prior to restoration. Restoration shall use as much of the original material as possible. The City can compel the violator to perform or provide for the restoration, or the City may perform or provide the restoration and recover all of its costs from the violator. The City may place a lien on the property as provided for in Municipal Code chapter 6.15.</p> <p>C. Civil Penalty. 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. The City shall fix the costs through appraisals or by soliciting bids. All collected funds shall be set aside and used only for CLG duties and required responsibilities.</p>		<p>Appropriateness:</p> <p>a) A retroactive Certificate of Appropriateness as defined in this Title shall be required; and</p> <p>b) All conditions of the Certificate of Appropriateness shall be satisfied.</p> <p>2. Board Issued Certificate of Appropriateness:</p> <p>a) Retroactive compliance.</p> <p>i. A retroactive Certificate of Appropriateness as defined in this Title shall be required; and</p> <p>ii. All conditions of the Certificate of Appropriateness shall be satisfied.</p> <p>3. Restoration.</p> <p>a) A violation may be abated by restoring or reconstructing the Cultural Resource to its original condition prior to the violation.</p> <p>b) The violator must obtain a Certificate of Appropriateness prior to restoration.</p> <p>c) Restoration shall use as much of the original material as possible. The City can compel the violator to perform or provide for the restoration, or the City may perform or provide the restoration and recover all of its costs from the violator.</p> <p>d) The City may place a lien on the property as provided for in Municipal Code chapter 6.15.</p> <p>4. Civil Penalty.</p> <p>a) If, in the sole judgment of the City, Restoration is not feasible, the City Council may impose a civil penalty equal to the cost of restoring the</p>	<p>Added language to address suggestions by Vice-Chair McDoniel regarding remedies being cumulative. Bolded & italicized</p>

Title 20 Modifications (June 21, 2023)

Section	Current Title 20 text	January 31, 2023 Suggested Modification	Subcommittee/Staff Discussed Modification	Purpose
			<p>Cultural Resource to its pre-violation condition, and all administrative and enforcement fees.</p> <p>b) The City shall fix the costs through appraisals or by soliciting bids.</p> <p>c) All collected funds shall be set aside and used only for CLG duties and required responsibilities.</p>	
20.40.060	<p>Moratoriums.</p> <p>In addition to Section 20.40.050 above, the City Council may impose up to a five-year moratorium on any City approvals and permits in response to a violation. The purpose of the moratorium is to provide the City an opportunity to study and determine appropriate mitigation measures for the alteration or removal of the Cultural Resource, and to ensure measures are incorporated into any future development plans and approvals for the subject property. Mitigation measures as determined by the City shall be imposed as a condition of any subsequent permit for development of the subject property. All time periods are calculated from the date the City actually learns of the violation. Permits for City-approved restoration of the resource or property are exempt from the moratorium.</p> <p>If a project is proposed for a site under a moratorium, the City Council may reconsider and expunge or modify the moratorium. Expungement will require, at a minimum, retroactive compliance with the Certificate of Appropriateness Process, and CEQA (including mitigation), and an expungement levy of up to treble damages of the penalty defined in Section 20.40.050.C.</p>	<p>Loss of Further Entitlement.</p> <p>Alteration or demolition of a historic structure in violation of this title shall eliminate the eligibility of the structure's lot for any transfer of development rights. Such lot, if it is the site of an unlawfully demolished historic structure from which development rights have been transferred, shall not be issued a Building Permit for any new development for a period of five years from the date the violation occurs, other than as may be required to comply with applicable health and safety requirements and regulations.</p> <p>Any property that remains undeveloped pursuant to this section shall be maintained in such a manner so as to not constitute a public or private nuisance, or otherwise violate this Code. The property shall be maintained in a clean and orderly manner free of junk, trash, debris, litter, abandoned or inoperable vehicles, stagnant water, abandoned excavations, appliances and furniture, storage containers, vegetation that is not in a healthy or living state, and overgrown vegetation. Living vegetation, including trees and shrubs, shall be retained and fully maintained, including necessary watering and trimming, during the construction prohibition period. Living grasses and</p>		Policy decision

Title 20 Modifications (June 21, 2023)

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		<p>groundcovers shall also be retained and fully maintained and new grass and/or groundcover shall be planted at any areas of bare soil to control dust and erosion. All grasses and groundcovers shall not exceed an overall height of six (6) inches. Additionally, vehicles of any type shall not be parked or stored on the property and no remunerative use of any kind shall be allowed. In addition, no permits or use of the property as a parking area shall be allowed during the five years if plans or other evidence for reconstruction or restoration of a demolished structure do not exist, or if the reconstruction or restoration is not completed for any reason.</p> <p>After such time, in no event shall any permit authorize the new construction to exceed the building footprint, height, and square footage, lot coverage, and use of the original structure for a period of twenty years from the unlawful demolition.</p> <p>No Certificate of Appropriateness or permit to demolish a landmark or structure designated pursuant to this title may be issued unless: (1) a building permit has been issued for a replacement structure or project for the property involved; and (2) the applicant has submitted evidence to the satisfaction of the Cultural Heritage Board that a financial commitment has been obtained by the applicant to assure the completion of the structure or project.</p> <p>In addition to any other remedies provided herein, in the event a designated historic resource, a resource pending designation as a historic</p>		

Title 20 Modifications (June 21, 2023)

Section	Current Title 20 text	January 31, 2023 Suggested Modification	Subcommittee/Staff Discussed Modification	Purpose
		resource, or an eligible historic resource is partially demolished through removal of one or more character defining features in violation of this chapter, the missing features shall be reconstructed and/or replaced in kind to match the original in terms of size, proportions, design, details, materials, and overall appearance. In the event that aspects of the original features cannot be discerned through documentary and/or physical evidence, the Historic Preservation Office shall determine the preferred method of reconstruction or replacement, contingent upon approval by the Board.		
20.40.080 (New Section)		<p>Board Enforcement Referrals</p> <p>Upon minute action of the Cultural Heritage Board, the Board may request a report back from the HPO regarding any matter subject to an enforcement action pursuant to this Chapter. The HPO shall report back within 60 days regarding the matter during the Board’s discussion calendar. The HPO shall provide notice in accordance with section 20.15.030, including any applicable land owner which shall be granted an opportunity to be heard, present evidence, and afforded all due process rights under the law. At the conclusion of said hearing, the Board may: (a) receive and file the report and take no further action on the matter; or (b) make findings supported by substantial evidence of the likelihood of a violation under Title 20 and recommendation on appropriate remedies, if any, to be forwarded for City Council consideration. It shall be the sole discretion of the City Council to take any further action on any enforcement matter referred by the Board.</p>	<p>Code Enforcement Updates</p> <p>The Board may request an update from the HPO regarding any matter subject to an enforcement action pursuant to this Chapter.</p>	<p>Added to address suggestion by Vice-Chair McDoniel, language simplified as Code Enforcement and/or Building & Safety as the enforcement arms of the City, Chapter 1.17 of the RMC.</p>

Title 20 Modifications (June 21, 2023)

Section	Current Title 20 text	January 31, 2023 Suggested Modification	Subcommittee/Staff Discussed Modification	Purpose
20.40.090 (Suggested new section)		<p>Private Right of Action</p> <p>A. Any violation of this Title may be enforced by a civil action, as provided by law in a court of competent jurisdiction, by any interested person on behalf of the public. In order to maintain such an action, the plaintiff must plead, show and prove that: (a) all administrative remedies have been exhausted; (b) at least thirty days prior to filing suit, plaintiff provided written notice to the property owner or permittee and to the City of: (1) the address of the subject real property, and (2) the specific violation at issue.</p> <p>B. Any person who prevails in such an action shall be entitled to recover from the violator those damages, costs, attorneys' fees, legal or equitable relief, and such other relief as determined by the court. In addition to all other damages, the court may award to the aggrieved person a civil penalty between \$50.00 and \$250.00 for each day of violation.</p> <p>C. The remedies provided by this section are in addition to any other legal or equitable remedies the aggrieved person may have and are not intended to be exclusive.</p>		Policy decision
20.40.100 (Suggested new section)		<p>Remedies Cumulative</p> <p>The remedies provided for in this chapter shall be cumulative to each other and not exclusive.</p>		Refer to 20.40.050 for incorporation.

Title 20 Modifications (June 21, 2023)

Section	Current Title 20 text	January 31, 2023 Suggested Modification	Subcommittee/Staff Discussed Modification	Purpose
20.45.020	<p>Procedures</p> <p>...</p> <p>D. Required Findings. In acting to approve an amendment to the Zoning Ordinance Text or Map, the City Council shall make the following findings:</p> <ol style="list-style-type: none"> 1. The proposed Amendment is generally consistent with the goals, policies, and objectives of the General Plan; 2. The proposed Amendment will not adversely affect surrounding properties; and; 3. The proposed Amendment complies with the purposes of this Title as set forth in Chapter 20.05. 		<p>Procedures</p> <p>...</p> <p>D. Required Findings. In acting to approve an amendment the City Council shall make the following findings:</p> <ol style="list-style-type: none"> 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. 	Remove references to Title 19 (Zoning Code) amendments. Findings should apply to Title 20 as amendments to Zoning Code are addressed in that Title.
20.50.010 (Global)			Remove all bullet points and quotation marks	Simplify as this is unnecessary
20.50.010 (Global)			Remove all processes discussed in definitions, which are found elsewhere in Title 20, for example COA process requirements. Relocate as discussed in section recommendations.	Clearly identify process requirements in other Chapters, reduce conflicts
20.50.010	<p>"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. In the case of Cultural Resources that are buildings or structures, "alteration" shall 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. Such changes may be: changes to, or modifications of, structural or architectural details, or visual characteristics; grading; surface paving; the addition of new structures; the cutting or removal of designated trees, landscapes or other</p>		<p>"Alteration" means any change, modification, or demolition, through public or private action, to the character-defining or significant physical features of properties affected by this Title. Such changes may be: changes to, or modifications of, structural or architectural details, or visual characteristics; grading; surface paving; the addition of new structures; the cutting or removal of designated trees, landscapes or other natural features; the disturbance of archaeological sites or areas; or the placement or removal of any significant objects such as signs, plaques, light fixtures, street furniture, walls, fences, steps, plantings, or landscape accessories affecting the significant</p>	Move text regarding alteration being exterior to Chapter 20.25

Title 20 Modifications (June 21, 2023)

Section	Current Title 20 text	January 31, 2023 Suggested Modification	Subcommittee/Staff Discussed Modification	Purpose
	natural features; the disturbance of archaeological sites or areas; or the placement or removal of any significant objects such as signs, plaques, light fixtures, street furniture, walls, fences, steps, plantings, or landscape accessories affecting the significant visual and/or historical qualities of the Cultural Resource.		visual and/or historical qualities of the Cultural Resource.	
20.50.010	“Character Defining Features” means the following natural or manmade elements of a Cultural Resource: design general arrangement or components of an improvement, such as site placement, height, scale, and setback; the type, color, and texture of the building materials; construction method; the type and style of windows, doors, lights, signs, and other fixtures. Character Defining Features of buildings or structures are generally external.		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.	Simplify definition to be similar to the definition provided by the National Parks Service.
20.50.010	"Contributing Feature" to a Historic District, Neighborhood Conservation Area, or individually significant property means a site, improvement, or natural feature that provides appropriate historic context, historic architecture, historic association or historic value, or is capable of yielding important information about the period. Examples of Contributing Features include, but are 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. Contributing Features in Historic Districts, Neighborhood Conservation areas, or individually significant properties are subject to the Certificate of Appropriateness process.		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	Simplify definition, remove references to COA as this found in Chapter 20.25

Title 20 Modifications (June 21, 2023)

Section	Current Title 20 text	January 31, 2023 Suggested Modification	Subcommittee/Staff Discussed Modification	Purpose
	“Contributor” to either a Historic District or a Neighborhood Conservation Area means a building 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. Contributors in Historic Districts and Neighborhood Conservation areas are subject to the Certificate of Appropriateness Process.		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	Simplify definition, remove references to COA as this found in Chapter 20.25
	“Cultural Resources Overlay Zone” means a zoning category applied to a Historic District to notify the owner and the public. 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.		Cultural Resources Overlay Zone means a Title 19 zoning category applied to a property identified as a Designated Cultural Resource.	Simplify, refer to Title 19(Zoning)
	None		Demolition of a Cultural Resource means the removal, over a 5-year period, of more than 25 percent of the wall(s) and roof forms on the primary elevation and/or facing a public street(s) or 50 percent of entire structure.	Addresses concern regarding lack of definition of demolition.
	“Landmark” means any Improvement or Natural Feature that is an exceptional example of a historical, archaeological, cultural, architectural, community, aesthetic or artistic heritage of the City, retains a high degree of integrity, and 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;		Landmark means: A. Any Improvement or Natural Feature that is an exceptional example of a historical, archaeological, cultural, architectural, community, aesthetic or artistic heritage of the City, retains a high degree of integrity; and B. Meets one or more of the following criteria: 1. Exemplifies or reflects special elements of the City's cultural, social, economic,	Revise to match proposed formatting of Structure of Merit.

Title 20 Modifications (June 21, 2023)

Section	Current Title 20 text	January 31, 2023 Suggested Modification	Subcommittee/Staff Discussed Modification	Purpose
	<p>2. Is identified with persons or events significant in local, state or national history;</p> <p>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;</p> <p>4. Represents the work of a notable builder, designer, or architect, or important creative individual;</p> <p>5. Embodies elements that possess high artistic values or represents a significant structural or architectural achievement or innovation;</p> <p>6. Reflects significant geographical patterns, including those associated with different eras of settlement and growth, particular transportation modes, or distinctive examples of park or community planning, or cultural landscape;</p> <p>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</p> <p>8. Has yielded or may be likely to yield, information important in history or prehistory.</p>		<p>political, aesthetic, engineering, architectural, or natural history;</p> <p>2. Is identified with persons or events significant in local, state or national history;</p> <p>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;</p> <p>4. Represents the work of a notable builder, designer, or architect, or important creative individual;</p> <p>5. Embodies elements that possess high artistic values or represents a significant structural or architectural achievement or innovation;</p> <p>6. Reflects significant geographical patterns, including those associated with different eras of settlement and growth, particular transportation modes, or distinctive examples of park or community planning, or cultural landscape;</p> <p>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</p>	

Title 20 Modifications (June 21, 2023)

Section	Current Title 20 text	January 31, 2023 Suggested Modification	Subcommittee/Staff Discussed Modification	Purpose
	<p>An Improvement or Natural Feature meeting one or more of the above criteria, yet not having the high degree of integrity to qualify as a Landmark, may qualify as a Structure or Resource of Merit (see subsection EE, below).</p> <p>An Improvement or Natural Feature meeting one or more of the above criteria, yet not formally designated as a Landmark by the City Council, may be an eligible Landmark.</p>		<p>8. Has yielded or may be likely to yield, information important in history or prehistory.</p> <p>An Improvement or Natural Feature meeting one or more of the above criteria, yet not having the high degree of integrity to qualify as a Landmark, may qualify as a Structure (or Resource) of Merit</p> <p>An Improvement or Natural Feature meeting one or more of the above criteria, yet not formally designated as a Landmark by the City Council, may be an eligible Landmark.</p>	
	<p>“Structure or Resource of Merit” means 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, retains sufficient integrity, and:</p> <ol style="list-style-type: none"> 1. Has a unique location or singular physical characteristics or is a view or vista representing an established and familiar visual feature of a neighborhood community or of the City 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. A Cultural Resource that could be eligible under Landmark Criteria no longer exhibiting a high level of integrity, however, retaining sufficient integrity to convey significance under one or more of the Landmark Criteria; 		<p>Structure (or Resource) of Merit means:</p> <p>A. Any Improvement or Natural Feature which contributes to the broader understanding of the historical, archaeological, cultural, architectural, community, aesthetic, or artistic heritage of the City while retains sufficient integrity: and</p> <p>B. Meets on or more of the following criteria:</p> <ol style="list-style-type: none"> 1. Has a unique location, embodies a singular physical characteristic, or contains a view or vista representing an established and familiar visual feature within a neighborhood, community or area. 2. Is an example of a type of building which was once common but is now rare in its neighborhood, community, or area; 3. Is connected with a business or use which was once common but is now rare; 4. Has yielded or may be likely to yield, information important in history or prehistory; or 5. Represents an improvement or Cultural Resource that no longer exhibits the high 	Clarify and remove redundant criteria

Title 20 Modifications (June 21, 2023)

Section	Current Title 20 text	January 31, 2023 Suggested Modification	Subcommittee/Staff Discussed Modification	Purpose
	<div>5. Has yielded or may be likely to yield, information important in history or prehistory; or</div> <div>6. An improvement or resource that no longer exhibits the high degree of integrity sufficient for Landmark designation, yet still retains sufficient integrity under one or more of the Landmark criteria to convey cultural resource significance as a Structure or Resource of Merit.</div>		<div>degree of integrity sufficient for Landmark designation, yet still retains necessary integrity under one or more of the Landmark criteria to convey cultural resource significance as a Structure or Resource of Merit</div>	

OFFICE OF HISTORIC PRESERVATION
DEPARTMENT OF PARKS AND RECREATION
P.O. BOX 942896
SACRAMENTO 94296-0001
(916) 653-6624
FAX: (916) 653-9824



March 31, 1995

Ms. Marion Mitchell-Wilson
Historic Preservation Manager
City of Riverside Planning Department
3900 Main Street
Riverside, CA 92522



Dear Ms. Mitchell-Wilson:

I want to congratulate the City of Riverside on becoming a Certified Local Government, which was approved by the National Park Service on March 16, 1995. This program is a very important partnership between this Office, local governments in the State, and federal historic preservation programs.

Enclosed is a copy of the letter from the National Park Service in which they make two suggestions. When these suggestions have been fulfilled, please let Sandy Elder, CLG Coordinator, know so that she can forward the information to the National Park Service's Western Regional Office.

Five copies of the Certification Agreement are enclosed for approval by the City of Riverside. Please return four copies of the Certification Agreement signed by the authorized city official. A fully executed copy of the agreement will be returned to the city after the State Historic Preservation Officer has signed the document.

As you know, participants in the CLG program are evaluated annually to assure that all CLG participants remain in conformance with Federal and State regulations. The CLG commission members are required to attend at least one OHP recognized informational or educational meeting, seminar, workshop, or conference per year that pertains directly to the work and functions of the commission.

Participation at the OHP sponsored training session is a reimbursable activity under the CLG program. Estimations of travel costs and registration fees should be included in your grant budget. In 1995 there will be three regional workshops. One of the regional workshops will be held on June 1 in conjunction with the annual preservation conference. You will be notified of the exact time and place.

We look forward to working with your office to meet the historic preservation goals of the City of Riverside and the State of California. Again, congratulations on becoming a Certified Local Government. Please do not hesitate to contact Sandra Elder of my staff at (916) 653-0877 should you have any questions or concerns.

Sincerely,

A handwritten signature in cursive script, appearing to read "Eugene Stogawa".

Cherilyn Widell
State Historic Preservation Officer

enclosures



United States Department of the Interior

RECEIVED

NATIONAL PARK SERVICE

Western Region
600 Harrison Street, Suite 600
San Francisco, California 94107-1372

MAR 22 1995

CLG

IN REPLY REFER TO:

H36 (WR-RRP)

March 16, 1995

Ms. Cherilyn Widell
State Historic Preservation Officer
Office of Historic Preservation
Department of Parks and Recreation
P.O. Box 942896
Sacramento, California 94296-0001

Re: Certification of the City of Riverside, California, under
the Certified Local Government (CLG) Program

Dear Ms. Widell:

By this letter, we take no exception to the certification of the City of Riverside as a Certified Local Government (CLG). We note that the current city ordinance is adequate to the program; however, the proposed changes to the ordinance will strengthen it and bring it into closer conformance to both the State and Federal regulations. Additionally, we note that there is no one on the review board to meet the need for expertise in archaeology. The city should be encouraged to appoint such a person or seek the expertise on an as needed basis.

If you have any questions or need further assistance, please do not hesitate to consult Michael Crowe at (415) 744-3988.

Sincerely,

Margaret Pepin-Donat, Chief
National Register Programs
Western Region

cc:

WASO-IRD, S. Morris, CLG Coordinator

STATE OF CALIFORNIA
Department of Parks and Recreation
National Historic Preservation Act of 1966
Certified Local Government Program
CERTIFICATION AGREEMENT

Participant: City of Riverside

Recitals:

1) The Participant agrees to execute and administer a program for the identification and protection of historic architectural and archeological resources throughout its jurisdiction according to the terms contained in the State of California's "Procedures for Certified Local Government Historic Preservation Program" ("Procedures"), incorporated herein as Exhibit A, as approved by the National Park Service, Department of the Interior, according to the provisions of the National Historic Preservation Act of 1966, as amended in 1980 (16 USC 470; Public Laws 89-665 and 96-515).

2) This agreement shall begin on the date it is signed by the State Historic Preservation Officer (SHPO), and shall remain in effect unless the Participant requests decertification as a Certified Local Government or is decertified by the SHPO, pursuant to the Procedures.

3) The Participant shall meet the provisions of the Threshold Level of Participation delineated in the Procedures: enforce appropriate state and local legislation for the designation and protection of historic properties; establish an adequate and qualified historic preservation review commission ("Review Commission") by local law; maintain a system for the survey and inventory of historic properties; provide for adequate public participation in the local historic preservation program, including the process of recommending properties for nomination to the National Register of Historic Places ("National Register"); and satisfactorily perform the responsibilities delegated to it by the state.

1 4) The SHPO shall submit all recommendations for nominations to the National
2 Register for properties in the Participant's jurisdiction to the Participant for
3 review and comment by the Review Commission. The Participant agrees to ensure
4 that the professional technical expertise related to the subject of each
5 recommendation for nomination is either available on the Review Commission or is
6 obtained pursuant to the Procedures.

7 5) The Participant shall enforce its historic preservation ordinance, a copy
8 of which is incorporated herein as Exhibit B; the Participant shall obtain the
9 prior approval of the SHPO for any amendments to said ordinance.

10 6) The Participant and SHPO shall comply with all applicable laws, rules, and
11 regulations pertaining to the execution and administration of the terms of the
12 Procedures.

13 7) The SHPO shall inform the Participant of procedures for applying for grant
14 funds for which the Participant is eligible as a Certified Local Government.

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23 STATE OF CALIFORNIA

24 By James A. Wright, Deputy
State Historic Preservation Officer

PARTICIPANT City of Riverside

By John E. Holmes
Authorized Representative

26 Title City Manager

27 Date 2/22/96 Date MAR 1 1995

OFFICE OF HISTORIC PRESERVATION

DEPARTMENT OF PARKS AND RECREATION

P.O. BOX 942896

SACRAMENTO 94296-0001

(916) 653-6624

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PROCEDURES
for
CERTIFIED LOCAL GOVERNMENTS
in the
NATIONAL HISTORIC PRESERVATION PROGRAM

I N T R O D U C T I O N

The 1980 amendments to the National Historic Preservation Act of 1966 provide for the establishment of a Certified Local Government (CLG) Program. This program allows for direct local government participation in California's comprehensive statewide historic preservation plan.

The CLG Program encourages the preservation of significant cultural resources by promoting a partnership between local governments and the State of California. Local involvement in preservation issues permits a CLG to assume a leadership role in the preservation of the community's cultural heritage and to have a formal participation in the National Register nomination review process. Local interests and concerns are integrated into the official planning and decision-making processes at the earliest possible opportunity.

Preserving historic properties as important reflections of our American heritage became a national policy through passage of the Antiquities Act of 1906, the Historic Sites Act of 1935, and the National Historic Preservation Act of 1966. In part, the National Historic Preservation Act of 1966 instructed the Federal Government to assist local governments to expand and accelerate their historic preservation programs and activities. Since enactment of the National Historic Preservation Act of 1966, the historic preservation expertise and activities of local governments have significantly increased. The act, however, provided no opportunity for local governments to be involved formally in the national historic preservation program administered by the Department of the Interior's National Park Service (NPS). Lack of formal participation by local governments often meant that historic preservation issues were not considered until development planning was well under way. This often resulted in preservation/land development conflicts causing project delays and increasing costs. In addition, opportunities frequently were lost for preservation-oriented development that could satisfy both preservation and development goals.

In recognition of the need to involve local governments in historic preservation, the 1980 amendments to the 1966 act provided a specific role for local governments in the national program. The Secretary of the Interior (Secretary) is required by the amended legislation to develop regulations for the certification of local governments and for the allocation of Historic Preservation Fund (HPF) monies by states to certified local governments. To qualify for certification, the amended legislation specifies that local governments must have certain administrative and legal capacities. This legislation directs states with approved state historic preservation programs to develop a mechanism for the certification of qualified local governments. Once certified, a local government will be included in the process of nominating properties to the National Register of Historic Places and will be eligible to apply to the state for a share of the state's annual HPF allocation.

At least ten percent (10%) of California's annual HPF allocation shall be designated for transfer to the CLGs. CLGs receiving HPF grants shall be considered subgrantees of the state. All CLGs shall be eligible to receive funds from the CLG share of the state's local annual HPF grant award. The state, however, is not required to award funds to all governments that are eligible to receive funds. At such time as Congress may appropriate more than \$65,000,000.00 to the HPF, a different distribution formula will be in effect, resulting in a proportionately larger share to the CLGs.

Historic Preservation Fund grants shall be awarded to CLGs on a 50/50 matching basis. The matching share is a requirement to maintain consistency with standard federal allocations to state and to ensure standard accountability in fiscal management. Local financial management systems shall be in accordance with the standards specified in the federal Office of Management and Budget (OMB) Circular A-128 and shall also be auditable pursuant to the federal General Accounting Office's "Standards for Audit of Governmental Organizations, Programs, Activities, and Functions."

The California CLG program offers local governments an opportunity for involvement in historic preservation at two levels of participation. A two-tier system of allocating HPF funds provides recognition for local governments capable of either assuming substantial responsibilities or opting for minimal participation in the program. Pass-through grant amounts shall be awarded commensurate with the level of participation by the CLG. Threshold level of participation requires the local government to satisfy the five minimum requirements identified in the Code of Federal Regulations, 36 CFR Part 61. Supplemental allocation of funds for expanded level of participation shall be contingent upon satisfying additional requirements. Responsibilities of the CLG shall be complementary to and carried out in coordination with those of the State Historic Preservation Office (SHPO) as outlined in 36 CFR 61.4(b).

THRESHOLD LEVEL OF PARTICIPATION

Any local government is eligible to apply for certification, with the exception of regional commissions and councils of governments. A local government is any general purpose political subdivision of California such as a city or a county. Local governments must:

1. Enforce appropriate state and local legislation for the designation and protection of historic properties,
2. Establish an adequate and qualified historic preservation review commission by local law,
3. Maintain a system for the survey and inventory of historic properties,
4. Provide for adequate public participation in the local historic preservation program, including the process of recommending properties for nomination to the National Register, and
5. Satisfactorily perform the responsibilities delegated to it by the state.

Local governments may be certified to participate in the CLG program at the threshold level of participation by complying with the following requirements:

- I. Enforce appropriate state or local legislation for the designation and protection of historic properties:
 - A. State enabling legislation provides for local jurisdictions to enact appropriate legislation. California Government Code Sections 65850, 25373, and 37361 enable city and county legislative bodies to provide for "the protection, enhancement, perpetuation, or use of places, sites, buildings, structures, works of art and other objects having a special character or special historical or aesthetic interest or value."
 - B. Local governments are encouraged to adopt local historic preservation ordinances with provisions for designation and protection of historic and archeological resources.
 - C. The appropriate legislation shall be consistent with the intent and purpose of the National Historic Preservation Act as amended in 1980.
- II. Establish an adequate and qualified historic preservation review commission by state or local law:
 - A. Local governments must establish an adequate historic preservation review commission by local law. The commission shall include a minimum membership of five individuals with all members having demonstrated interest, competence, or knowledge in historic preservation.
 - B. Commission members shall be appointed from among professionals in the disciplines of architecture, history, architectural history, planning, archeology, or other historic preservation-related disciplines, such as urban planning, American studies, American civilization, cultural geography, or cultural anthropology, to the extent that such professionals are available in the community. Commission membership shall also include lay members who have demonstrated special interest, competence, experience, or knowledge in historic preservation, American studies, cultural anthropology, cultural geography, or other historic preservation-related disciplines.
 - C. If a special expertise is not represented on the commission for the consideration of National Register nominations or other actions which are normally evaluated by a professional in such discipline, the local government shall obtain professional technical expertise from established organizations, institutions, public agencies, or other commissions, such as the State Office of Historic Preservation (OHP), State Historical Resources Commission, regional archeological information centers, colleges or universities, AIA preservation officers, private preservation consultants, or regional councils of governments.
 - D. The local government must demonstrate that it has made a reasonable effort to fill positions on the commission with professional and lay members as highly qualified, and representing as diverse a range of disciplines, as possible.

- E. Commission members shall be appointed by the chief elected local official and approved by the city council or board of supervisors. The chief elected local official shall make interim appointments to fill unexpired terms in the event of vacancies occurring during the term of members of the commission. The appointing authority shall act within sixty (60) days to fill a vacancy. Terms of office of the commission members shall be staggered and of two (2) year minimum duration (except as provided in the initiation of the commission).
- F. The commission shall meet at least four (4) times per year, with meetings held at regular intervals, in a public place, advertised in advance, and open to the public, pursuant to the California Open Meeting Act. Written minutes of commission meetings shall be kept on file and available for public inspection.
- G. Each commission member is required to attend at least one informational or educational meeting, seminar, workshop, or conference per year that pertains directly to the work and functions of the commission and would be approvable by the state. The annual State Historic Preservation Conference, sponsored by OHP, provides special sessions devoted to the issues, objectives, and responsibilities of commissions.
- H. The commission shall publish procedural rules for registering historical properties identified in a local cultural resources survey program for the National Register of Historic Places, in accordance with the requirements in the National Historic Preservation Act, Section 101(c)(2). The procedural requirements must include standards and criteria for individual properties and districts with boundary identification, property owner notification, public meeting format, and appeal procedures in accordance with established National Register regulations. The CLG does not have the authority to nominate properties directly to the National Register.
- I. The commission shall be responsible for overseeing the compiling, recording, and updating of information on cultural resources within its jurisdiction. The information shall be based on a comprehensive survey which is conducted in conformance with state survey standards and procedures. Surveys completed prior to the certification of a local government must be done in accordance with state standards.
- J. An annual report of the activities of the commission shall be submitted to the state at the end of each calendar year. The reports shall include, but not be limited to, such information as appointments to the commission, resumes of commission members and staff, attendance records of members, official minutes of the commission meetings, revisions in the enabling ordinance if applicable, sponsorship of special programs such as educational workshops or conferences, summaries of environmental review cases requiring commission comments, new landmarks and historic districts designated, review of National Register nominations, cultural resources survey updates, and other pertinent activities performed by the commission.

III. Maintain a system for the survey and inventory of historic properties:

The CLG shall be responsible for organizing, developing, and administering an inventory of cultural resources within the entire spatial jurisdiction of the CLG.

A. The commission shall develop procedures for conducting an inventory of cultural resources. Survey activities shall be coordinated with and complementary to the state program to ensure that survey results produced by the CLG will be readily integrated into the statewide comprehensive historic preservation planning process.

1. As part of any ongoing survey effort, procedural requirements must allow for periodic update of survey results on an annual basis as buildings gain maturity and as new areas are incorporated or annexed by the CLG.

2. The commission must adopt state guidelines for conducting its inventory of historic properties. State-approved inventory forms (DPR 523), encoding sheets (DPR 660), and the California Historic Resources Inventory Survey Workbook shall be used to facilitate integration into the state electronic data system and for statewide comprehensive historic preservation planning purposes.

3. Procedural standards for evaluation of properties must be consistent with the National Register of Historic Places criteria.

B. The commission shall establish internal procedures to facilitate the use of survey results in the planning process by the CLG officials and departments. The commission shall submit survey results to the CLG. Copies of the survey must be on deposit at the local planning department and OHP. See IVB(2) below for public access requirements.

IV. Provide for adequate public participation in the local historic preservation program:

A. The CLG shall provide opportunities for public participation in all responsibilities delegated to the CLG, in accordance with appropriate regulations, standards, and guidelines.

B. The CLG shall encourage public participation in local historic preservation programs.

1. Public participation shall be fully encouraged in direct involvement on the local historic preservation commission as professional or lay members. Commission meetings shall be open to the public, with published agenda and minutes in accordance with the California Open Meeting Act. The published agenda shall be mailed in advance of meetings to individuals and citizen organizations interested in the commission's activities.

2. Public participation shall be fully encouraged in the performance of the historic survey program at all levels of completion to identify and inventory significant cultural resources in the jurisdiction of the CLG. Survey results shall be of public record and on file at a public institution, except in the case of sensitive resources, e.g., archeological sites subject to vandalism.
3. Public participation and comment shall be fully encouraged in the nomination process for the National Register of Historic Places program. The CLG shall publish the procedures by which assessments of potential National Register nominations will be administered.

V. Satisfactorily perform the responsibilities delegated to the CLG:

- A. The state shall monitor and evaluate the performance of the CLG for consistency with the identification, evaluation, and preservation priorities of the comprehensive state historic preservation planning process.
 1. The state shall conduct an annual review of CLGs to assure that each government continues to meet the minimal requirements and is satisfactorily performing its responsibilities. As part of this review, the state shall examine the annual reports submitted by the CLGs, records of the administration of funds allocated from the HPF, and other documents as necessary. The CLG shall make these records available to the state.
 2. If the state evaluation indicates that the CLG no longer meets the minimal requirements or that in any other way a CLG's performance is not satisfactory, the state shall document that assessment and recommend to the local government steps to bring its performance up to a satisfactory level. The CLG shall have a period of not less than 30 nor more than 180 days to implement improvements. If the state determines that sufficient improvement has not occurred, the state shall recommend decertification of the local government to the Secretary, citing specific reasons for the recommendation. Performance shall be deemed unsatisfactory if one or more of the following conditions exist or is applicable: a) the commission fails to perform its delegated responsibilities within established time periods; b) the CLG fails to coordinate its responsibilities with the state; c) the commission substantially fails to maintain consistency of its design review decisions with the Secretary's standards for historic preservation; d) the CLG fails to maintain a qualified historic preservation review commission membership or fails to acquire the appropriate expertise for review and comment; e) the CLG fails to enforce the provisions of the local preservation ordinance; f) the CLG fails to comply adequately with proper fiscal management of HPF grants in accordance with OMB Circular A-128, the Single Audit Act of 1984, and the National Register Programs Manual.
- B. The state shall conduct financial assistance close-out procedures pursuant to the National Register Programs Manual when a local government is decertified.

- C. CLGs may petition OHP to be decertified voluntarily and without prejudice.
- D. The State shall identify specific responsibilities delegated in common to all CLGs.
- E. The CLG may assume certain responsibilities of recommending properties identified in the CLG jurisdiction to the National Register of Historic Places.
 - 1. The SHPO shall have the sole responsibility of nominating National Register properties directly to the Secretary.
 - 2. Selection of properties for nomination to the National Register shall be based on the results of the local survey program.
 - 3. Procedural guidelines shall specify the process for accepting application requests, property owner notification, public hearing announcements, and coordination with the state.
 - 4. All meetings shall be open to the public at specified intervals and must be in accordance with the California Open Meeting Act. Published agenda and minutes of the public meetings shall be on file with the commission and the state.
 - 5. Decisions of the commission must be presented to the applicant, the property owner, and the state in writing with specific reference to the selected National Register criterion and the appropriate level of significance. The commission shall consider all National Register applications exclusively in accordance with the National Register criteria. Membership of the commission must include or have access to qualified experts knowledgeable in the subject area submitted for review.
 - 6. The CLG shall establish procedures for the National Register nomination process consistent with the requirements in the National Historic Preservation Act, Section 101(c)(2).
 - a. Subsection 101(c)(2)(A) states that "Before a property within the jurisdiction of the certified local government may be considered by the State to be nominated to the Secretary for inclusion on the National Register, the State Historic Preservation Officer shall notify the owner, the applicable chief local elected official, and the local historic preservation commission. The commission, after reasonable opportunity for public comment, shall prepare a report as to whether or not such property, in its opinion, meets the criteria of the National Register. Within sixty days of notice from the State Historic Preservation Officer, the chief local elected official shall transmit the report of the commission and his recommendation to the State Historic Preservation Officer. Except as provided in subparagraph (B), after receipt of such report and recommendation, or if no such report and recommendation are received within sixty days, the State shall

make the nomination pursuant to Section 101(a). The State may expedite such process with the concurrence of the certified local government."

- b. Subsection 191(c)(2)(B) states that "If both the commission and the chief local elected official recommend that a property not be nominated to the National Register, the State Historic Preservation Officer shall take no further action, unless within thirty days of the receipt of such recommendation by the State Historic Preservation Officer an appeal is filed with the State. If such an appeal is filed, the State shall follow the procedure for making a nomination pursuant to Section 101(a). Any report and recommendations made under this section shall be included with any nomination submitted by the state to the Secretary.
7. By mutual written agreement with the local governing body, the state may delegate additional responsibilities to the CLG.

EXPANDED LEVEL OF PARTICIPATION

Local governments may participate at the expanded level of participation by complying with all responsibilities required at the threshold level of participation. By mutual written agreement with the local governing body, the state may delegate additional responsibilities to the CLG.

Local governments may be certified to participate in the program at the expanded level of participation by fulfilling selected elements of the following requirements:

- I. State enabling legislation provides for local jurisdictions to enact appropriate legislation. The CLG shall adopt a historic preservation ordinance with the following provisions:
 - A. Declaration of Policy - A statement of purpose should clearly recite the reasons for enacting the ordinance and specifically contain a general welfare clause illustrating that historic preservation is in the public interest. The policy declaration shall also describe the public benefits possible for the CLG gained through educational, cultural, aesthetic, social, and economic enhancements from historic preservation.
 - B. Preservation Commission - The ordinance shall authorize the creation of a historic preservation commission. Provisions of the ordinance must include specific guidance in the membership composition, qualifications, compensation, appointments, powers, and terms of office of the commission. The commission staffing, budgeting, rule-making authority, and legal jurisdiction overseeing historic preservation activities must be well defined. The ordinance shall give the commission authority to promulgate its own operating rules (by-laws). Rules of procedure adopted by the commission shall be available for public inspection. The area of geographical authority for the commission shall be coterminous with the boundaries of the local jurisdiction.

- C. Historic Survey and Registration - The ordinance shall include provisions for the compiling, updating, and maintaining of an inventory of historic resources located within the jurisdiction of the CLG. The ordinance must also clearly delineate procedures for evaluating and registering both individual historic properties and historic districts.
 - D. Penalties and Severability - Strict criminal and civil penalty provisions must be included to ensure enforcement capability and credibility. Severability shall be included to protect against the disallowance of the total ordinance in the event that one section is determined to be unconstitutional or otherwise invalidated.
 - E. Operational Definitions - The ordinance shall include precise definitions of such terms as preservation commission, historic districts, eligibility criteria, alteration and improvement standards, demolition stays, and other preservation terminology to help clarify and define administrative procedures.
- II. The CLG may adopt a historical preservation element for the local jurisdiction's General Plan, as authorized by the California Government Code. The CLG, in conjunction with the state, shall establish procedures for implementation of the element.
 - III. The CLG shall participate in the environmental review of local projects in accordance with the requirements under the California Environmental Quality Act. The commission may review and comment on permit actions affecting significant listed historic properties and other resources eligible for listing, in accordance with local ordinance requirements and with the California Environmental Quality Act. Procedural guidelines should include standards for demolition stays, design review criteria, anti-neglect requirements, and appeal strategies.
 - IV. The CLG may participate in the review and comment on historic preservation certification applications for tax incentives. The CLG and state may establish procedures for implementation of the investment tax credit program at the local level in conformance with The Secretary of the Interior's Standards for Historic Preservation.
 - V. The CLG may develop educational programs promoting historic preservation at the local level such as, but not limited to, sponsorship of preservation workshops, publication of preservation information, organizing preservation fairs, conducting walking tours, and preparing preservation curricula for schools.
 - VI. Commission members may act in an advisory capacity to other officials and departments within the local government and act as a liaison on behalf of the CLG to individuals and organizations concerned with historic preservation.
 - VII. The CLG may participate in the Mills Act property-tax relief program for owners of historic properties.
 - VIII. The CLG may participate in the Marks Historical Rehabilitation Act for issuance of tax-exempt industrial development bonds, providing that the commission shall serve as all or part of the required citizen advisory board.

- IX. By mutual written agreement with the local governing body, the state may delegate additional responsibilities to the CLG.

CERTIFICATION OF LOCAL GOVERNMENTS

State shall provide a mechanism for certifying local governments to participate in the CLG program. Local governments may submit applications for certification at any time. Application requests shall be submitted by the chief elected local official.

1. The chief elected local official shall request certification from the state in writing, with specific reference to threshold or expanded level of participation. The official request for certification shall include:
 - A. A written assurance by the chief elected local official that the local government fulfills and shall fulfill all the requirements of the certification standards,
 - B. A copy of the local historic preservation legislation and a copy of the local government charter, with description of the boundaries administered by the local jurisdiction,
 - C. Resumes for each of the members of the historic preservation commission,
 - D. Names and resumes, where appropriate, of staff members responsible for administration of the historic preservation program for the commission or local government,
 - E. If begun, evidence of a cultural resources survey performed in the community, with information on the progress and future intent of the survey, and
 - F. A brief explanation of activities proposed by the local government to provide the state with preliminary information on suggested work functions.
2. The state shall respond to the chief elected local official within forty-five (45) days of receipt of an adequately documented written request.
3. A committee of SHPO staff members shall review the certification applications to determine the local government's ability to meet state requirements for the CLG program at either the threshold or expanded level of participation. SHPO concurrence shall be required for final approval of certification of a local government.
4. When a local government's certification request has been approved in accordance with the state's approved certification process, the state shall prepare a written certification agreement for presentation to the local government.
 - A. The certification agreement shall identify the minimum required responsibilities of the local government when certified. The agreement shall also include any additional responsibilities delegated to the CLG.

- B. State shall forward to the Secretary a copy of the approved request and the certification agreement.
- C. If the Secretary does not take exception to the request within fifteen (15) working days of receipt of the state's request, the local government shall be regarded as certified by the Secretary.
- D. The delegation of responsibilities assigned to the CLG may be modified by amending the certification agreement with approval of the Secretary.

TRANSFER OF GRANTS TO CERTIFIED LOCAL GOVERNMENTS

At least ten percent of California's annual HPF allocation shall be transferred to CLGs for implementation of eligible activities which promote the identification, evaluation, nomination, and preservation of their communities' significant cultural resources. Specific activities may include, but not be limited to, adoption of local preservation-related legislation, development of public education programs, establishment of comprehensive communitywide historic preservation plans, nomination of properties to the National Register, administration of a preservation revolving fund, implementation of a permanent administrative staff position responsible for preservation activities, and publication of literature on historic preservation. CLGs may not use HPF grants for the acquisition, development, maintenance, or operation of historic properties. In addition, transferred monies shall not be applied as matching share for any other federal grant or for lobbying purposes.

Any state-directed specific uses of HPF funds shall be for activities for which the state would be eligible for HPF funding, and which are consistent with the state comprehensive historic preservation planning process.

California shall make a reasonable effort to distribute HPF grants among the maximum number of eligible local governments consistent with 36 CFR 61.7(f)(1). Reasonable distribution of funds shall include a consideration of equitable allocations between urban and rural areas and among northern, southern, and central portions of the state. Equitable distribution discourages a disproportionate share of the allocation awarded to a single CLG.

The CLG's share of the HPF shall be of a sufficient amount to produce a specific impact and to generate effects directly as a result of the funds transfer. The state is not required to award funds to all governments that are eligible to receive grants. Program consistency and quality of standards require that the state not award grant funds to all eligible local governments if there is a risk of sacrificing positive, tangible results.

Eligible local governments shall adhere to the state's instructions for allocation of the CLG share of California's annual HPF.

The state shall periodically notify all CLGs of the funding availability of HPF grants to qualified local governments.

The CLG receiving a portion of the local share of the state's annual HPF must satisfy certain minimum requirements.

1. The CLG must maintain adequate financial management systems in accordance with the standards specified in the most recent OMB Circular A-128.
 - A. Local financial management systems shall be auditable pursuant to the General Accounting Office's Standards for Audit of Governmental Organizations, Programs, Activities, and Functions.
 - B. The state shall be responsible, through financial audit, for the proper accounting of CLG share monies in accordance with OMB Circular A-128, the Single Audit Act of 1984 (Public Law 98-502).
2. The CLG shall adhere to all requirements of the National Register Programs Manual, which sets forth administrative procedures and policies for HPF grants awarded by the Secretary.
3. Indirect costs may be charged as part of the CLG only if the CLG meets the requirements of the National Register Programs Manual and has a current indirect cost rate approved by the cognizant federal agency.
4. The CLG must adhere to any requirements mandated by Congress regarding the use of the HPF monies.
5. The CLG shall meet all certification eligibility requirements during the grant period, as specified in the written grant agreement between the state and the CLG.

The state shall award funds on a competitive basis to CLGs, contingent upon the following priorities and criteria.

1. The CLG demonstrates a clear understanding of state and local preservation programs contributing toward the identification, evaluation, and protection of significant cultural resources within the jurisdiction of the local government.
2. The CLG provides adequate matching local share (50%) as match for the federal grant-in-aid.
3. A CLG requesting expanded level of participation shall receive higher selection priority.
4. The CLG clearly presents specific goals and objectives that are realistically attainable within the funding period.

Within thirty (30) days after the state receives formal obligation of funds from the Department of the Interior, the state shall notify CLGs of the successful grant awards. The state shall submit the selected CLGs to the State Historical Resources Commission for concurrence. The state shall make available to the public, upon request, the rationale for the applicants selected and the amounts awarded.

APPENDIX

DEFINITIONS

For purposes of identification, the:

"Approved State Program" means a state historic preservation program that has been approved by the Secretary of the Interior.

"Certified Local Government" means a local government that has been certified to carry out the purposes of the National Historic Preservation Act, as amended.

"Chief Elected Local Official" means the elected head of a local government.

"CLG Share" means the funding authorized for transfer to local governments.

"Comprehensive Historic Preservation Planning" means an ongoing process that is consistent with technical standards issued by the Department of the Interior and which produces reliable, understandable, and up-to-date information for decision-making related to the identification, evaluation, and protection/treatment of historic resources.

"Comprehensive Statewide Historic Preservation Plan" means the part of the planning process that conforms to the Secretary's Standards for Preservation Planning and is approved as part of the State Program Approval Process. The comprehensive plan entails organizing a logical sequence of preservation information pertaining to identification, evaluation, registration, and treatment of historic properties, and setting priorities for accomplishing preservation activities.

"Historic Preservation Fund" means the monies accrued under the Outer Continental Shelf Lands Act, as amended, to support the program of matching grants-in-aid to the states for historic preservation programs and projects.

"Historic Preservation Review Commission" means a board, council, commission, or other similar collegial body.

"Local Government" means a city, county, parish, township, municipality or borough, or any other general-purpose political subdivision of any state.

"National Register of Historic Places" means the national list of districts, sites, buildings, structures, and objects significant in American history, architecture, archeology, engineering, and culture, maintained by the Secretary of the Interior.

"The National Register Programs Manual" means the manual that sets forth NPS administrative procedures and guidelines for activities concerning the federally-related historic preservation programs of the states, local governments, and the National Trust for Historic Preservation. This manual includes guidelines and procedures for the administration of the historic preservation grants-in-aid programs and supersedes the HPF Grants Management Manual.

"National Park Service" means the bureau of the Department of the Interior to which the Secretary of the Interior has delegated the authority and responsibility for administering the National Historic Preservation Program.

"Secretary" means the Secretary of the Interior. Unless otherwise stated in law or regulation, the Secretary has delegated the authority and responsibility for administering the National Historic Preservation Program to the National Park Service.

"Secretary's Standards and Guidelines" means the Secretary of the Interior's Standards and Guidelines for Archeology and Historic Preservation. The standards and guidelines provide technical information about archeological and historic preservation activities and methods.

"State" means the State of California, as represented by the State Office of Historic Preservation.

"State Historic Preservation Officer" is the official within California who has been designated and appointed by the Governor to administer the state historic preservation program in California.

"State Program" means the state historic preservation program in California.

"Subgrantee" means the certified local government to which a subgrant is made by the state and which is accountable to the state for use of the funds provided.

D-2337H

Chapter 20.05

PURPOSE

Sections:

20.05.010 Purpose.

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 of Riverside 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;

20.15.010 CULTURAL RESOURCES

(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. (Ord. 4782 § 1 (part), 1980).

Chapter 20.15

CULTURAL HERITAGE BOARD

Sections:

20.15.010 Created—Membership.

20.15.020 Powers and duties.

20.15.010 CREATED – MEMBERSHIP. Pursuant to the provisions of Article VII of the city Charter, there is created a cultural heritage board. The board shall be composed of nine members appointed by the mayor and the city council. Members of the board shall be selected and appointed as provided in the city Charter and shall have the duties and functions set forth in this title. Appointees to the board shall be persons knowledgeable in the history, and architectural and cultural traditions of the city and interested in the preservation of historic structures and sites. The city planning director and the redevelopment agency executive director, or their designated representatives, shall meet with and participate in the discussions of the cultural heritage board but shall not have a vote. The board shall elect officers and establish its own rules and regulations which shall be consistent with the Charter and the

municipal code of the city. Copies of the board's rules and regulations shall be kept on file in the office of the city clerk. The board shall keep a record of its resolutions, proceedings and transactions, and the museum department shall be the repository for all such records. The museum department shall provide the necessary staff and budget as approved by the city council to administer the activities of the board. (Ord. 4782 § 1 (part), 1980).

20.15.020 POWERS AND DUTIES. (a) The cultural heritage board shall:

(1) Designate landmarks, preservation districts, structures of merit and neighborhood conservation areas pursuant to the provisions of this title;

(2) Review restoration, rehabilitation, alteration, development and demolition proposals for landmarks and preservation districts pursuant to the provisions of this title;

(3) Compile and maintain a current register of all landmarks, preservation districts, structures of merit and neighborhood conservation areas;

(4) Work for the continuing education of the citizens of Riverside about the heritage of the city and the landmarks, preservation districts, structures of merit and neighborhood conservation areas designated pursuant to this title;

(5) Seek means for the protection, retention and preservation of any landmark, preservation district, structure of merit or neighborhood conservation area, including but not limited to suggesting appropriate legislation, seeking financial support from individuals and local, state and federal governments, and establishing a private funding organization;

(6) Coordinate its activities with the Riverside County historical commission, the state and the federal government;

(7) Consult with and advise the city council in connection with the exercise of the board's duties and functions.

(b) The cultural heritage board may:

(1) Prepare and adopt plans for the preservation of landmarks, preservation districts, structures of merit and neighborhood conservation areas;

(2) Initiate zoning and general plan amendments for the purpose of preserving landmarks, preservation districts, structures of merit and neighborhood conservation areas. (Ord. 4782 § 1 (part), 1980).

Chapter 20.20

LANDMARKS AND STRUCTURES OF MERIT

Sections:

20.20.010	Landmark.
20.20.020	Initiation.
20.20.030	Hearing date.
20.20.040	Hearing notice.
20.20.050	Hearing.
20.20.060	Investigation.
20.20.070	Designation.
20.20.080	Resolution.
20.20.090	Notice of designation.
20.20.100	Appeal.
20.20.110	Duty to maintain.
20.20.120	Structures of merit.

20.20.010 LANDMARK. A landmark is any site, including significant trees or other significant permanent landscaping located thereon, place, building, structure, street, improvement, street furniture, sign, work of art, natural feature or other object having a special historical, archaeological, cultural, architectural, community, aesthetic or artistic value in the city

and which has been designated a landmark by the cultural heritage board or by the city council on appeal. (Ord. 4782 § 1 (part), 1980).

20.20.020 INITIATION. The designation, repeal or modification of a landmark may be initiated by the cultural heritage board, the city council, the city planning commission or the record property owner. Application shall be made upon such forms and accompanied by such data and information as may be required for that purpose by the cultural heritage board so as to assure the fullest practical presentation of the facts for proper consideration of the request. (Ord. 4782 § 1 (part), 1980).

20.20.030 HEARING DATE. Upon the filing of an application, the matter shall be set for public hearing thereon before the cultural heritage board. The date of such hearing shall be not more than fifty days from the date of filing of the application. (Ord. 4782 § 1 (part), 1980).

20.20.040 HEARING NOTICE. Notice of the date, time, place and purpose of the hearing before the cultural heritage board shall be given by at least one publication of a notice in a newspaper having general circulation in the city not less than ten days prior to the date of such hearing and by depositing in the United States mail, postage prepaid, at least ten days prior to the date of the hearing, a notice addressed to the owner of the property being considered. When the property being considered is not real property, notice shall be given to both the owner and the person in possession of the real property where the object is situated. The last known name and address of each owner as shown on the records of the county assessor may be used for this notice. Failure to send any notice by mail to any property owner where the address of such owner is not a matter

of public record or failure to receive any mailed notice shall not invalidate any proceedings in connection with the proposed designation. (Ord. 4782 § 1 (part), 1980)

20.20.050 HEARING. At the time and place so fixed and noticed, a public hearing shall be conducted before the cultural heritage board. The board may continue such hearing to a time and place certain when such action is deemed necessary or desirable. The board may establish rules for the conducting of public hearings, and the member of the board presiding at such hearings is empowered to administer oaths to any person testifying. (Ord. 4782 § 1 (part), 1980)

20.20.060 INVESTIGATION. The cultural heritage board shall cause to be made by any of its own members or by the museum department such investigation of facts bearing upon such application set for hearing as in the opinion of the board will serve to provide the necessary information to assure board action consistent with the intent and purpose of this title. (Ord. 4782 § 1 (part), 1980).

20.20.070 DESIGNATION. The board may designate a landmark in whole or in part of from the facts presented in the application, at the public hearing or by investigation, the board finds that the site, landscaping, place, buildings, structure, street, improvement, street furniture, sign, work of art, natural feature or other object has special historical, archaeological, cultural, architectural, community, aesthetic or artistic value in the city and that the purpose of this title is maintained by such designation. (Ord. 4782 § 1 (part), 1980).

20.20.080 RESOLUTION. A landmark shall be designated by a numbered resolution of the cultural heritage board which receives the affirmative votes of a majority of the members then

present and voting. A landmark may be repealed or modified in the same manner. (Ord. 4782 § 1 (part), 1980).

20.20.090 NOTICE OF DESIGNATION. Notice of the designation of a landmark shall be transmitted to the city council, the departments of planning, park and recreation, fire, public works, the building division of the planning department, the real property services division of the city manager's office, the redevelopment agency of the city, the assessor and the recorder of Riverside County, and any other interested departments and governmental and civic agencies. Each city department and division shall incorporate the notice of designation as a landmark into its records, so that future decisions or permissions regarding or affecting any landmark made by the city or an official of the city will have been made with the knowledge of the landmark designation, and in accordance with the procedures set forth in this title. Whenever any project to be carried out by the city may have an impact on a designated landmark, reasonable notice shall be given to the cultural heritage board by the city department or division responsible for the project, so that the cultural heritage board may review and make recommendations concerning the project early in the decisionmaking process. (Ord. 4782 § 1 (part), 1980).

20.20.100 APPEAL. Any person aggrieved or affected by a decision of the board in designating, repealing or modifying a landmark may appeal to the city council from such decision at anytime within fifteen days after the date upon which the board announces its decision. An appeal to the city council shall be taken by filing a letter of appeal, in duplicate, with the museum department. Such letter of appeal shall set forth the grounds upon which the appeal is based. Within five days after the receipt of the letter of appeal, the museum department shall transmit to the city council the letter of appeal, copies of the

application and all other papers constituting the record upon which the action of the board was taken. The city clerk shall give notice of hearing upon the appeal in the same manner and time as is required in connection with an application before the board. The date of such hearing upon the appeal shall be not more than thirty days from the date of filing of the appeal. Upon the hearing of such appeal, the city council may by resolution affirm, reverse or modify the determination of the board. The provisions of this title regulating landmarks shall be effective from the date of designation as a landmark and shall become ineffective only after city council action or cultural heritage board action which reverses the determination of the cultural heritage board. (Ord. 4782 § 1 (part), 1980).

20.20.110 DUTY TO MAINTAIN. Every person in possession or control and every owner of a landmark and any appurtenant premises shall maintain and keep in good repair the exterior of such landmark and premises. Good repair is defined as that level of maintenance and repair which clearly insures the continued availability of such structure and premises for lawful reasonable uses and prevents deterioration, dilapidation and decay of such structures and premises. (Ord. 4782 § 1 (part), 1980).

20.20.120 STRUCTURES OF MERIT. The cultural heritage board may encourage the protection, enhancement, appreciation and use of structures of historical, archaeological, cultural, architectural, community or aesthetic value which have not been designated as landmarks but are deserving of recognition, by designating them as structures of merit so as to emphasize their importance in the past, present and future of the city. (Ord. 4782 § 1 (part), 1980).

Chapter 20.25

PRESERVATION DISTRICTS AND
NEIGHBORHOOD CONSERVATION AREAS

Sections:

- 20.25.010 Preservation district.
- 20.25.020 Initiation.
- 20.25.030 Hearing date.
- 20.25.040 Hearing notice.
- 20.25.050 Hearing.
- 20.25.060 Investigation.
- 20.25.070 Designation.
- 20.25.080 Resolution.
- 20.25.090 Notice of designation.
- 20.25.100 Appeal.
- 20.25.110 Duty to maintain.
- 20.25.120 Neighborhood conservation area.

20.25.010 PRESERVATION DISTRICT. A preservation district is any legally described geographic area having historical significance, special character for aesthetic value; serving as an established neighborhood or community center; representing one or more architectural periods or styles typical to the history of the city; or constituting a distinct section of the city, and which has been designated a preservation district by the cultural heritage board or by the city council on appeal. (Ord. 4782 § 1 (part), 1980).

20.25.020 INITIATION. The designation, repeal, or modification of a preservation district may be initiated by the cultural heritage board, the city council, the city planning commission or the record property owner. Application shall be made upon such forms and accompanied by such data and

information as may be required for that purpose by the cultural heritage board so as to assure the fullest practical presentation of the facts for proper consideration of the request. (Ord. 4782 § 1 (part), 1980).

20.25.030 HEARING DATE. Upon the filing of an application, the matter shall be set for public hearing thereon before the cultural heritage board. The date of such hearing shall be not more than fifty days from the date of filing of the application. (Ord. 4782 § 1 (part), 1980).

20.25.040 HEARING NOTICE. Notice of the date, time, place and purpose of the hearing before the cultural heritage board shall be given by at least one publication of a notice in a newspaper having general circulation in the city not less than ten days prior to the date of such hearing and by depositing in the United States mail, postage prepaid, at least ten days prior to the date of the hearing, notices addressed to the owners of all the property being considered for a preservation district. The last known name and address of each owner as shown on the records of the county assessor may be used for this notice. Failure to send any notice by mail to any property owner where the address of such owner is not a matter of public record or failure to receive any mailed notice shall not invalidate any proceedings in connection with the proposed designation. (Ord. 4782 § 1 (part), 1980).

20.25.050 HEARING. At the time and place so fixed and noticed, a public hearing shall be conducted before the cultural heritage board. The board may continue such hearing to a time and place certain when such action is deemed necessary or desirable. The board may establish rules for the conducting of public hearings, and the member of the board presiding at such hearings is empowered to administer oaths to any person testifying. (Ord. 4782 § 1 (part), 1980).

20.25.060 INVESTIGATION. The cultural heritage board shall cause to be made by any of its own members or by the museum department such investigation of facts bearing upon such application set for hearing as in the opinion of the board will serve to provide the necessary information to assure board action consistent with the intent and purpose of this title. (Ord. 4782 § 1 (part), 1980).

20.25.070 DESIGNATION. The board may designate a preservation district in whole or in part if from the facts presented in the application, at the public hearing or by investigation, the board finds that the area designated has historical significance, special character or aesthetic value; serves as an established neighborhood or community center; represents one or more architectural periods or styles typical to the history of the city; or constitutes a distinct section of the city and that the purpose of this title is maintained by such designation. (Ord. 4782 § 1 (part), 1980).

20.25.080 RESOLUTION. A preservation district shall be designated by a numbered resolution of the cultural heritage board which receives the affirmative votes of a majority of the members then present and voting. A preservation district may be repealed or modified in the same manner. (Ord. 4782 § 1 (part), 1980).

20.25.090 NOTICE OF DESIGNATION. Notice of the designation of a preservation district shall be transmitted to the city council, the departments of planning, park and recreation, fire, public works, the building division of the planning department, the real property services division of the city manager's office, the redevelopment agency of the city, the assessor and the recorder of Riverside County, and any other interested departments and governmental and civic agencies. Each city

department and division shall incorporate the notice of designation as a preservation district into its records, so that future decisions or permissions regarding or affecting any preservation district made by the city or an official of the city will have been made with the knowledge of the preservation district designation, and in accordance with the procedures set forth in this title. Whenever any project to be carried out by the city may have an impact on a designated preservation district, reasonable notice shall be given to the cultural heritage board by the city department or division responsible for the project, so that the cultural heritage board may review and make recommendations concerning the project early in the decisionmaking process. (Ord. 4782 § 1 (part), 1980).

20.25.100 APPEAL. Any person aggrieved or affected by a decision of the board in designating, repealing or modifying a preservation district may appeal to the city council from such decision at anytime within fifteen days after the date upon which the board announces its decision. An appeal may be taken from the inclusion of a lot or parcel within the district. An appeal to the city council shall be taken by filing a letter of appeal, in duplicate, with the museum department. Such letter of appeal shall set forth the grounds upon which the appeal is based. Within five days after the receipt of the letter of appeal, the museum shall transmit to the city council the letter of appeal, copies of the application and all other papers constituting the record upon which the action of the board was taken. The city clerk shall give notice of hearing upon the appeal in the same manner and time as is required in connection with an application before the board. The date of such hearing upon the appeal shall be not more than thirty days from the date of filing of the appeal. Upon the hearing of such appeal, the city council may by resolution affirm, reverse or modify the determination of the board. The provisions of this title regulating preservation

districts shall be effective from the date of designation as a preservation district and shall become ineffective only after city council action or cultural heritage board action which reverses the determination of the cultural heritage board. (Ord. 4782 § 1 (part), 1980).

20.25.110 DUTY TO MAINTAIN. Every person in possession or control and every owner of property located within a designated preservation district shall maintain and keep in good repair the exterior of any structures and premises located within the district. Good repair is defined as that level of maintenance and repair which clearly insures the continued availability of such structures and premises for lawful reasonable uses and prevents deterioration, dilapidation and decay of such structure and premises. (Ord. 4782 § 1 (part), 1980).

20.25.120 NEIGHBORHOOD CONSERVATION AREA. The cultural heritage board may encourage the protection, enhancement, appreciation and use of areas of historical, architectural, aesthetic, cultural or community value which have not been designated as preservation districts but are deserving of recognition by designating them as neighborhood conservation areas so as to emphasize their importance in the past, present and future of the city. (Ord. 4782 § 1 (part), 1980).

Chapter 20.30

PERMITS FOR RESTORATION, REHABILITATION,
ALTERATION, DEVELOPMENT AND DEMOLITION

Sections:

- 20.30.010 Required.
- 20.30.020 Application.
- 20.30.030 Review and standards.
- 20.30.040 Decision time limit.
- 20.30.050 Approval required.
- 20.30.060 Appeal.
- 20.30.070 Staff approval.

20.30.010 REQUIRED. No person, owner or other entity shall restore, rehabilitate, alter, develop, construct, demolish, remove or change the appearance of any landmark, landmark structure, landmark site, or any structure or site within a preservation district without first having applied for and been granted a permit to do so by the cultural heritage board or by the city council on appeal. (Ord. 4782 § 1 (part), 1980).

20.30.020 APPLICATION. The permit application shall be made on a form and in the manner specified by resolution of the cultural heritage board. The application shall be accompanied by such fee as is required by resolution of the city council. (Ord. 4782 § 1 (part), 1980).

20.30.030 REVIEW AND STANDARDS. (a) The cultural heritage board shall review the following when applicable to the permit applications:

- (1) Architectural design;
- (2) Scale and proportion;
- (3) Construction materials;

20.30.040 CULTURAL RESOURCES

- (4) Color and texture;
- (5) Grading;
- (6) Site development;
- (7) Orientation of buildings;
- (8) Off-street parking;
- (9) Landscaping;
- (10) Signs;
- (11) Street furniture;
- (12) Public areas.

(b) The cultural heritage board shall apply the following standards in determining whether to grant or deny a permit:

- (1) The proposed change is consistent or not incompatible with the architectural period of the building;
- (2) The proposed change is compatible with existing adjacent or nearby landmark structures and preservation district structures;
- (3) The colors, textures, materials, fenestration, decorative features and details proposed are consistent with the period and/or compatible with adjacent structures;
- (4) The proposed change does not destroy or adversely affect an important architectural feature or features;
- (5) Such other standards as are adopted by resolution of the cultural heritage board. (Ord. 4782 § 1 (part), 1980).

20.30.040 DECISION TIME LIMIT. The application shall be considered by the cultural heritage board within forty-five days following its submittal. The hearing may be continued from time to time by the cultural heritage board.

(a) When the application is for permission to restore, rehabilitate, alter, develop, construct or change the appearance of any landmark, landmark structure, landmark site, or any structure or site within a preservation district, the cultural heritage board may approve, conditionally approve or deny the application. The cultural heritage board shall render its decision within

ten days following the conclusion of the hearing.

(b) When the application is for permission to demolish or remove any landmark, landmark structure, landmark site or any structure or site within a preservation district, the cultural heritage board may approve, conditionally approve or object to the proposed demolition or removal. The cultural heritage board shall render its decision within ten days following the conclusion of the hearing. In the event the board objects to the proposed demolition or removal, it shall file its objection with the city council. Upon the filing of objections, the cultural heritage board shall take such steps within the scope of its powers and duties as it determines are necessary for the preservation of the landmark, landmark structure, landmark site, or the structure or site within a preservation district. At the end of forty-five days the cultural heritage board shall report its progress to the city council. The council may, upon review of the progress report, withdraw and cancel the objection to the proposed demolition or removal and approve, conditionally approve or deny the application or it may grant an extension or extensions to the objection, each extension not to exceed ninety days. When the council determines that the granting of an extension or extensions is unlikely to assist in the preservation of the landmark, structure or site it shall deny the request for an extension and approve, conditionally approve or deny the application for demolition or removal. A decision to approve, conditionally approve or deny the application shall be made within one year from the date the application was accepted as complete. (Ord. 4782 § 1 (part), 1980).

20.30.050 APPROVAL REQUIRED. No city permit shall be issued for any purpose regulated by this title for a landmark, landmark structure, landmark site or a structure or site within a preservation district unless and until the proposed work or development has been approved or conditionally approved by

20.30.060-20.30.070 CULTURAL RESOURCES

the cultural heritage board or by the city council on appeal, and then shall be issued only in conformity with such approval or conditional approval. (Ord. 4782 § 1 (part), 1980).

20.30.060 APPEAL. Any person aggrieved or affected by a decision of the board to approve, conditionally approve or deny an application, or by the failure of the board to act within the time as required may appeal to the city council from such decision at any time within fifteen days after the date upon which the board announces its decision or is required to announce its decision. An appeal shall be taken by filing a letter of appeal, in duplicate, with the museum department and by concurrently paying to such department a fee in an amount established by city council resolution for such appeals. Such letter shall set forth the grounds upon which the appeal is based. Within five days after the receipt of the letter of appeal and the filing fee, the museum department shall transmit to the city council the letter of appeal, copies of the application and all other papers constituting the record upon which the action of the board was taken. The city clerk shall schedule hearing of the appeal not more than thirty days from the date of filing of the appeal. The city council shall review the application and apply the standards as set forth in Section 20.30.030 in considering the appeal. Upon the hearing of such appeal, the city council may affirm, reverse or modify the determination of the board. (Ord. 4782 § 1 (part), 1980).

20.30.070 STAFF APPROVAL. When the cultural heritage board has prepared and adopted a plan for the preservation of a landmark, preservation district, structure of merit or neighborhood conservation area which sets forth particular development standards, an application to the cultural heritage board to do work consistent with the adopted plan development standards may be approved by the staff person designated by the cultural

heritage board. If such staff person does not approve the application it shall be processed as set forth in this chapter. (Ord. 4782 § 1 (part), 1980).

Title 20

CULTURAL RESOURCES

Chapters:

20.05	PURPOSE.
20.10	AUTHORITY AND RESPONSIBILITIES.
20.15	APPROVALS AND HEARINGS.
20.20	DESIGNATION.
20.21	RECOGNITION.
20.25	CERTIFICATES OF APPROPRIATENESS.
<u>20.26</u>	<u>ARCHAEOLOGICAL AND TRIBAL CULTURAL RESOURCES</u>
20.30	PRESERVATION INCENTIVES.
20.35	DUTY TO MAINTAIN.
20.40	ENFORCEMENT AND PENALTIES.
20.45	AMENDMENT AND SEVERABILITY.
20.50	DEFINITIONS.

Chapter 20.05

PURPOSE

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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.

M. To establish procedures relating to the California Environmental Quality Review Act (CEQA) and Section 106 of the National Historic Preservation Act (NHPA) compliance.

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

Chapter 20.10

AUTHORITY AND RESPONSIBILITIES

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20.10.020 Powers and duties of Board.

A. The Cultural Heritage Board shall:

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

B. The Cultural Heritage Board may:

1. Recommend zoning and general plan amendments for cultural resources preservation;
2. Conduct an awards program to recognize and encourage public participation in Cultural Resource

efforts; and

3. Nominate eligible City-owned cultural resources to the National Register of Historic Places, and encourage, advise, and guide persons in nominating cultural resources to the National Register of Historic Places.
4. By a consensus of the Board, request a workshop to discuss topic under the purview of this Title.

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

Chapter 20.10

AUTHORITY AND RESPONSIBILITIES

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20.10.030 Historic Preservation Officer.

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

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

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

Chapter 20.15

APPROVALS AND HEARINGS

Sections:

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

Section 20.15.010 Approval Authority.

Table 20.15.010 Approving and Appeal Authority							
Type of Permit or Action	Approving and Appeal Authority						
	City Historic Preservation Officer (HPO)	<u>Historic Preservation Fund Committee (HPFC)</u>	City Cultural Heritage Board	<u>Land Use Committee of City Council</u>	City Council Consent	City Council Discussion	City Council Public Hearing
				-	(1, 2)	(1)	(1, 2)
Administrative Discretionary Permits/Actions (No Public Hearing Required)							
Administrative Certificate of Appropriateness	F		<u>A</u> /AR/F	RR ⁽²⁾		A/F	
Discretionary Permits and Actions (Public Meeting or Hearing Required)							
Board Certificate of Appropriateness			F ^(3,4)	RR ⁽²⁾		A/F	
<u>HPFC – Grant Application</u>		<u>F</u>	<u>A</u> /F			<u>A</u> /F	
Legislative Actions (Public Hearing Required)							
Mills Act Application				-	F		
Designation of a Structure or Resource of Merit			R	RR ⁽²⁾			A/F
Designation of a Landmark			R	RR ⁽²⁾			A/F
Designation of an Historic District			R	RR ⁽²⁾			A/F
R = Recommending Authority; F = Final Approving Authority (unless appealable); A = Appeal Authority; AR = Approving Authority as HPO on Referral; RR = Recommend and Referral Authority							

Table 20.15.010
Approving and Appeal Authority

Type of Permit or Action	Approving and Appeal Authority						
	City Historic Preservation Officer (HPO)	<u>Historic Preservation Fund Committee (HPFC)</u>	City Cultural Heritage Board	Land Use Committee of City Council	City Council Consent	City Council Discussion	City Council Public Hearing

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)~~ (4) The Cultural Heritage Board is the final authority unless an EIR is being processed, in which case the final authority is City Council.

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

20.15.020 California Environmental Quality Act (CEQA) Approval.

A. Environmental Impact Report (EIR) Required:

1. If an ~~Environmental Impact Report (EIR)~~ 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 shall make a recommendation to the City Council regarding the following items:

a. Whether the Draft EIR has been completed in compliance with CEQA;

b. Whether the project will have a significant effect on Cultural Resources; and, if so;

c. Whether the changes or alterations proposed for the project, together with any changes or alterations that come forth as a part of the public hearing on the Draft EIR, will avoid or substantially lessen the significant environmental effects as identified in the Draft EIR.

d. ~~provide comments thereon, together with its~~ A recommendation that the project be approved or denied.

~~1.3.~~ 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. ~~Where~~ If an EIR is not prepared, and a Negative Declaration (ND) or Mitigated Negative Declaration (MND) is prepared, ~~for a Certificate of Appropriateness or case where the Board is the final approval authority, the following shall apply:~~

a. Board Final Approval Authority:

i. ~~The~~ 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 timely appealed or referred, then the decision becomes final.

iii. If the decision is timely appealed or referred, 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.

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

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

Section 20.15.030 Public Hearing and Notice.

A. All designations, modifications of designations, and/or de-designations require a public hearing ("Hearing").

B. All recognitions and derecognitions require a Public Hearing

~~B.C.~~ Upon the filing of a complete application, a matter shall be set for hearing before the Board within ninety (90) days. The Board may continue a Hearing.

~~C.D.~~ Notice of Hearing.

1. Notice of the hearing shall be mailed or delivered at least ten (10) days prior to the Hearing to:

a. The owner of the subject real property or the owner's duly authorized agent, and the project applicant; and

b. All owners and occupants of real property on the latest records of the County Assessor within 300 feet of the real property. If the number of owners to whom notice would be mailed or delivered is greater than 1,000, the City may, in lieu of mailing or delivering the notice, provide notice by placing an advertisement of a least one-eighth page in at least one newspaper of general circulation within the City at least ten (10) days prior to the hearing.

~~b.c.~~ Any person or entity that has filed a request for notice to the Planning Division. To the extent permitted under state and local law, the City may use electronic mail as a means to providing notice. The City may require requests for notices to be annually renewed.

2. The notice shall be published in at least one newspaper of general circulation within the City at least ten (10) days prior to the Hearing.

3. Neither failure to send any notice by mail to any property owner whose address is not a matter of public record, nor the non-receipt of any notice mailed pursuant to this chapter, shall invalidate that Hearing or any part of the proposed designation.

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

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

A. No public hearings are required. The application shall be set as a discussion calendar item for the Board meeting.

B. Upon the filing or referral of a complete application, a matter shall be set for a Board meeting within ninety (90) days. The Board may continue a matter as it deems appropriate.

C. Notice shall be ~~given to the property owner and to the owners of adjacent properties or those across a street or alley~~ mailed or delivered, at least ten days prior to the meeting, to:

1. The owner of the subject real property or the owner's duly authorized agent, and the project applicant.

2. All owners and occupants of real property within 300 feet of the real property. If the number of owners to whom notice would be mailed or delivered is greater than 1,000, the City may, in lieu of mailing or delivering the notice, provide notice by placing an advertisement of at least one-eighth page in at least one newspaper of general circulation within the City at least ten days prior to the meeting.

3. Any person or entity that has filed a request for notice to the Planning Division. To the extent permitted

under state and local law, the City may use electronic mail as a means to providing notice.

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

(Ord. 7108 §1, 2010)

20.15.050 - Meeting and notice for Administrative Certificates of Appropriateness.

- A. No public hearings are required. The application shall be considered by the Historic Preservation Officer or Qualified Designee administratively.
- B. Within 60 days, the Historic Preservation Officer or Qualified Designee must act upon a complete application or refer the application to the Board.

~~C.~~ Except as otherwise provided in this ~~§~~Title, notice shall be mailed or delivered, at least ten days prior action to:

- 1. ~~given to~~the property owner of the subject real property or the owner's duly authorized agent, and the project applicant. ~~and to the~~
- 2. ~~Owners and occupants~~ of adjacent properties or those across a street or alley.
- 3. Any person or entity that has filed a request for notice to the Planning Division. To the extent permitted under state and local law, the City may use electronic mail as a means to providing notice.

~~C.D.~~ Project mandated by state law to be reviewed ministerially are exempt from all noticing requirements.

(Ord. 7206 §5, 2013; Ord. 7108 §1, 2010)

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Section 20.15.090 Appeals and Referrals.

A. Appeals

1. Administrative Action

- a. Any person aggrieved or affected by an Administrative Certificate of Appropriateness decision may appeal that decision to the Board within ten days of the Historic Preservation Officer or Qualified Designee's decision.
- b. The appeal must be made by filing a letter of appeal with the Planning Division and shall be accompanied by a filing fee as established by City Council resolution.
- c. If the tenth day is on a weekend or holiday the appeal is extended to the end of the next regular business day
- d. The letter shall set forth the grounds for the appeal.
- e. To the extent feasible, ~~the~~ the appeal shall be scheduled on a Board meeting date mutually agreed upon by the person filing the appeal, the applicant and the City.~~for the next available Board meeting.~~
- f. The Board may recommend ~~to affirm~~affirming reverse or modify the underlying Historic Preservation Officer or Qualified Designee's decision to the City Council.
- g. Board decisions are final unless appealed or referred to City Council within ten days of the Board action. ~~as provided for in section 20.15.090 B (below).~~
- a.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. Appeal of Board ~~a~~Action

- a. Any person affected by the Board action may appeal to the City Council within ten calendar days after the date of the Board's decision.
- b. The appeal must be made by filing a letter of appeal with the Planning Division and shall be accompanied by a filing fee as established by City Council resolution. ~~and~~
- c. If the tenth day is on a weekend or holiday the appeal is extended to the end of the next regular business day.
- d. The letter shall set forth the grounds for the appeal.
- e. The appeal shall ~~first~~ be scheduled for a City Council meeting date mutually agreed upon by the person filing the appeal, the applicant and the City. ~~be heard by the Land Use Committee at its next available meeting, which shall then make a recommendation to the City Council.~~
- 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.

1. The Mayor or any member of the City Council may refer any action taken by the Cultural Heritage Board for consideration on the City Council's discussion calendar agenda by notifying the Community & Economic Development Director.
2. If not referred by the Mayor or City Council, or otherwise appealed within ten days of the Board action, the action of the Board is final.

~~C. Notice.~~

- ~~1. Notice of the time and place of the Land Use Committee meeting shall be sent to the Applicant and Appellant.~~
- ~~2. The notice for the City Council action shall be the same as for the original action.~~ (Ord. 7206 §8, 2013; Ord. 7108 §1, 2010)

20.15.100 - Effective date.

- A. Certificates of Appropriateness, demolition review, and other quasi-adjudicatory decision shall be effective the first regular business day after the end of the ten-day appeal period. Filing of an appeal or referral stays the effective date pending action on the appeal.
- B. Designation, modification, and dedesignation shall be effective on the next City business day following City Council action.

(Ord. 7108 §1, 2010)

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Chapter 20.20

DESIGNATION

Sections:

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

~~20.20.120 Designation Process in Flow Chart Form.~~

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20.20.020 Designation application.

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

No structure may be designated as a landmark or a structure or resource of merit, nor may any designation be modified or repealed (dedesignated), without the prior written consent of the owner. Based on the Board recommendation the City Council's may consider overriding a property owner objection with a 5/7 's majority vote, provided a finding can be made that the structure is of unique value.

The City no longer allows designation of Neighborhood Conservation Areas.

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

Section 20.20.080 Overlay Zone.

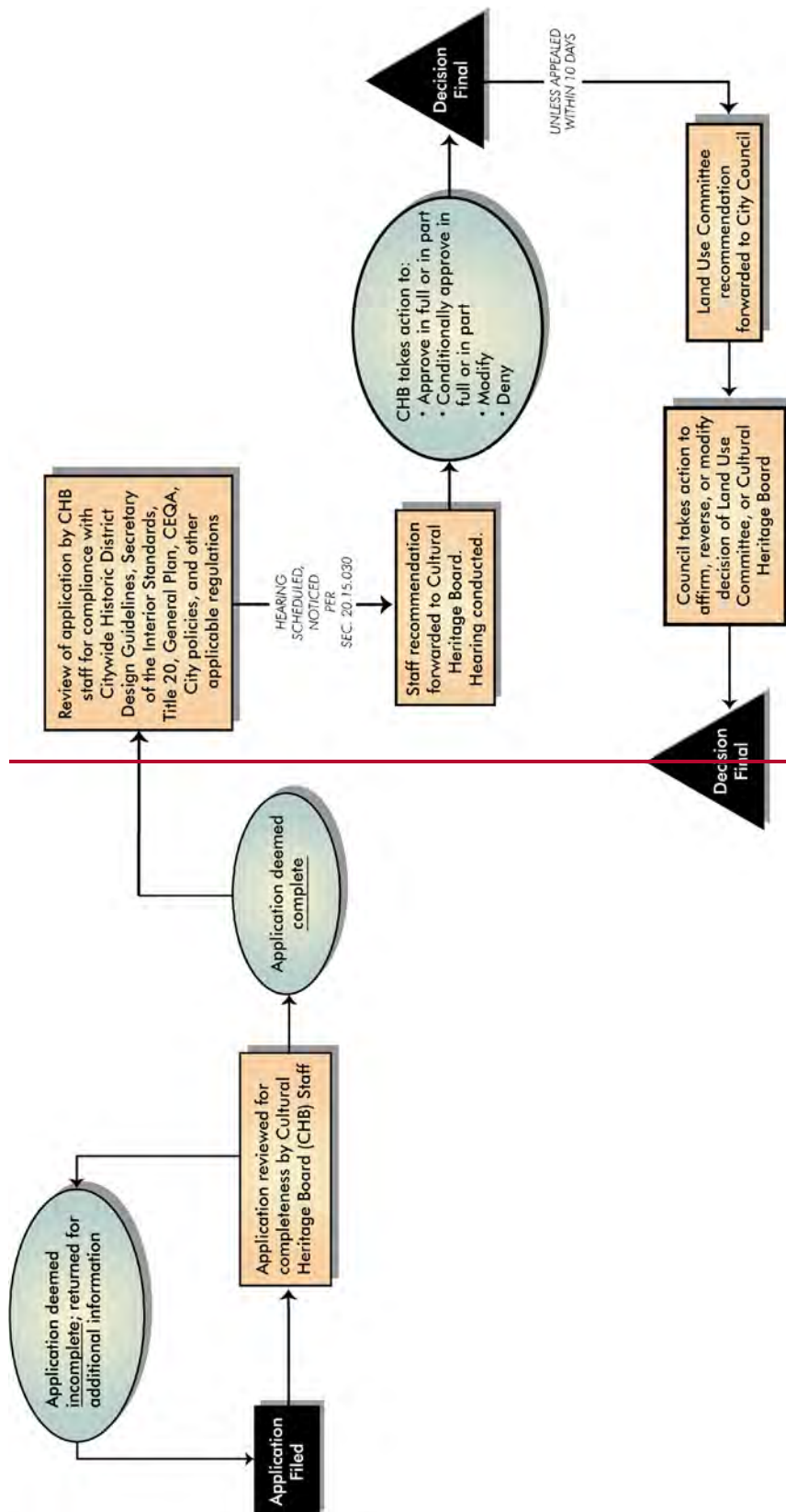
A. Pursuant to Title 19, upon any Designation, the Cultural Resources Overlay Zone applies to the subject property or parcel.

B. Upon adoption of a historic district resolution by the City Council, the Planning Division shall initiate a rezoning case to apply the CR-Cultural resources overlay zone to the properties within the district. This process shall follow the requirements outlined in Title 19.

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

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~~Section 20.20.120 Designation Process in Flow Chart Form.~~



(Ord. 7108 §1, 2010)

Chapter 20.25

CERTIFICATES OF APPROPRIATENESS

Sections:

20.25.010	Certificates of Appropriateness Required, Generally.
20.25.015	Certificates of Appropriateness Not Required.
20.25.020	Application.
20.25.021	Preliminary Review
20.25.025	Board Certificates 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, ~~Generally Required.~~

- ~~A. In addition to any and all other City permit requirements a~~ Certificate of Appropriateness is required before any person restores, rehabilitates, alters, develops, constructs, demolishes, removes, or changes the appearance of any:
- ~~1. Designated Cultural Resource;~~
 - ~~2. Eligible Cultural Resource; or~~
 - ~~3. Any element in a geographic Historic District (contributing and non-contributing) or contributor to Neighborhood Conservation Area (contributor) (contributing and non-contributing), or, a contributing feature or contributor to a Neighborhood Conservation Area. The requirements of this Chapter are in addition to any and all other City permit requirements.~~
- ~~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. For the demolition of structures not previously identified as Eligible Cultural Resources, the Community & Economic Development Director and Historic Preservation Officer may require a Cultural Resources Report be prepared pursuant to Section 20.26.010 to determine if the structure is eligible for designation. If the subject property is found eligible for designation, a Certificate of Appropriateness and associated CEQA review is required pursuant to this title.~~
- ~~D. The Historic Preservation Officer or Qualified Designee, at his or her discretion, may require a Cultural Resources Report be prepare pursuant to Section 20.26.010 for the demolition of structures not previously identified as Eligible Cultural Resources to determine if the structure is eligible for designation. If the subject property is found eligible for designation, a Certificate of Appropriateness and associated CEQA review is required pursuant to this chapter.~~
- ~~E. 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.~~

~~A.—~~

~~Except as set forth in section 20.25.030, Certificates of Appropriateness shall be reviewed by the Cultural Heritage Board.~~

Section 20.25.015 Certificates of Appropriateness Not Required.

No Certificate of Appropriateness is required for:

A. Dangerous Condition:

1. ~~a historic structure~~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
- 1.2. ~~a~~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.
3. 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.

B. Structures found ineligible for historic designation in an adopted Cultural resource survey, Section 20.50.010, or a Cultural Resource Report, Section 20.26.010.

C. Non-contributors and Non-contributing features in Neighborhood Conservation Areas are not subject to the Certificate of Appropriateness requirements.

(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. ~~p~~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
 - iii. Any and all settlements, which approval shall not be unreasonably withheld.
 - e. The City shall also have the right not to participate in the defense, except that the City agrees to cooperate with the applicant in the defense of the proceeding. If the City chooses to have counsel of its own defend any proceeding where the applicant has already retained counsel to defend the City in such matters, the fees and expenses of the counsel selected by the City shall be paid by the City.
- B. Preliminary Review: Prior to an application being deemed complete, a workshop before the Board may be held as specified in Section 20.25.021.
- 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 the principles and standards as set forth in this Title.
 - 3. Withdrawals.
 - a. Submittal of withdrawals. All withdrawal requests shall be submitted in writing to the Planning Division, identifying the application being withdrawn.
 - b. Resubmittal of withdrawn applications. Any resubmittal of a withdrawn application shall require submittal of a new application along with the appropriate fees and a new case number will be assigned.
 - 4. City inactivity determination.
 - a. The City, at its discretion, may deem any application inactive if it remains incomplete for 180 calendar days from the date of the original submittal and no meaningful progress has been taken by the applicant in response to deficiencies with the application.
 - b. The City shall notify the applicant in writing of its intention to deem the application inactive at least 30 calendar days prior to determination.
 - c. Subsequent to an application being deemed complete, the City may terminate an application due to inactivity consistent with the above procedures.
 - 5. Mutual agreement to extension of time. Nothing in this Section precludes the applicant and the City from mutually agreeing to an extension of any time limit provided by this Section.

D. Relationship to other Discretionary Approvals: If a project requires other Planning Entitlements under Title 19, the Certificate of Appropriateness review shall occur concurrent with or prior to the review of the associated Entitlements, by the appropriate approval authority.

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

Section 20.25.021 Preliminary Review

A. Purpose and intent: Identify concern that may arise during review of the projects, including suggestion for obtaining consistency with the Principles and Standards of Site Development and Design Review, as included in Section 20.25.050

B. Applicability:

1. For projects at a City Landmarks & Structures of Merit, designated or found eligible for pursuant to a Cultural Resources Report or survey, that are subject to Board review: Prior to an application being deemed complete, the project shall be submitted to the Board as a workshop to seek input and direction on the proposed project, as authorized under Title 20.
2. All Other Projects: Prior to an application being deemed complete, an applicant may request a workshop before the Board to seek input and direction on a proposed project.

Section 20.25.025 Board Certificates of Appropriateness.

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

Section 20.25.030 Administrative Certificates of Appropriateness.

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

A. For ~~all~~any Cultural Resources, including Landmarks (designated and eligible):

1. New or replacement fences, walls, awnings, and/or exterior lightings.
- ~~1-2.~~ The in-kind replacement of historically-correct architectural features or building elements, including windows, doors, exterior siding, roofs, porches, cornices, balustrades, stairs, and the like, that are deteriorated, damaged beyond restoration, or previously removed.
3. The in-kind replacement of historically correct site, or contributing landscape features that are deteriorated, damaged beyond restoration, or previously removed.
4. ~~Removal or alteration of landscape features, such as walkways, planter walls, fountains, and in certain circumstances mature foliage, that contribute to the historic character of the property resource but are not designated or listed as contributing to a designated resource.~~
- ~~2-5.~~ The removal of inappropriate additions or alterations to restore the original appearance of a structure
6. ~~Paving for driveways, walkways and/or patios, and the addition of or alteration to driveway approaches, subject to WQMP requirements.~~
- ~~3-7.~~ Exterior painting of commercial properties, ~~and/or~~ designated landmarks, ~~and landmarks determined eligible for designation,~~ including only those ~~§~~surfaces allowed to be painted include only those that were originally intended to be painted and exclude all other surfaces, such as brick, concrete, and stone.

B. For ~~all~~any Cultural Resources, ~~except designated~~excluding Landmarks:

1. One-story additions, ~~auxiliary structures or similar (excluding attached garages) to a single-story structure,~~ less than 50% of the size of the existing main structure (or 1000 square feet area, whichever is smaller, for residential), with limited or no visibility from public streets.
- 1-2. Two-story Accessory Dwelling Unit (ADU) and second-story additions to existing single-story structures

auxiliary structures (excluding attached garages) for an ADU, when the main residence is at least two-stories in height

~~2. 2. Fences and walls.~~

~~3. 3. Awnings and signs.~~

~~4. 4. Removal or alteration of landscape features, such as walkways, planter walls, fountains, and in certain circumstances mature foliage, that contribute to the historic character of the property but are not designated or listed as contributing to a designated resource.~~

~~5. 5. Paving for driveways, walkways and/or patios, and the addition of or alteration to driveway approaches, subject to WQMP requirements.~~

~~6. 6. Exterior lighting.~~

~~7. 7. The removal of inappropriate additions or alterations to restore the original appearance of a structure.~~

~~8.3.8.~~ Demolition of a, or the replacement of a previously existing, one-story, detached garage and construction of a new one-story, detached garage that is architecturally compatible with the existing residence and character-defining features of the existing neighborhood and the area devoted to parking does not exceed 400 square feet, or the minimum size for a two-car garage as required by the City Zoning Code, whichever is greater. Maximum size of the structure shall not exceed City Zoning Code requirements.

C. For Non-contributing Features and Non-contributors in a Historic District, all actions except:

1. Demolition.
2. New and in-fill construction.
3. Large additions (increasing floor area by ~~100~~50% or more).
4. Increasing the number of stories (e.g., adding a second story to a single-story structure).

D. Under A, B and C above, the Historic Preservation Officer or Qualified Designee may waive noticing requirements and/or formal application forms for cases that are immediately determined to meet all required findings because ~~they are so minor in nature or~~ involve alterations deemed insignificant or having no impact on the significance or integrity of the Cultural Resources, such as fences, landscaping, like-for-like repairs, or similar.

(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 (i.e. City Landmarks, Structures of Merit, etc.), the proposed project should demonstrate:

1. The application proposal is cConsistencyt or compatible-compatibility with the architectural period and the character-defining elements of the historic building, such as colors, textures, materials, fenestration, decorative features, details, height, scale, massing, and method of construction;
2. The proposed project does not destroy or pose a substantial adverse change to an important architectural, historical, cultural or archaeological feature or features of the Cultural Resource;

3. Compatibility with context considering the following factors: grading; site development; orientation of buildings; off-street parking; landscaping; signs; street furniture; public areas; relationship of the project to its surroundings; and
 4. Consistency with the principles of the Secretary of the Interior's Standards for the Treatment of Historic Properties.
 - ~~4.5. As applicable, consistency with other federal, state, and/or local guidelines.~~
- B. For proposed projects involving contributors or contributing feature within Historic Districts and Neighborhood Conservations Areas, the proposed project should demonstrate:
- ~~2.1. Compatibility with the height, scale, or massing of the contributor (or contributing feature) the Cultural Resource;The application proposal is compatible with existing adjacent or nearby Cultural Resources and their character-defining elements;~~
 - ~~3.2. The Compatibility with colors, textures, materials, fenestration, decorative features, details, height, scale, massing and methods of construction proposed are consistent with the period and/or compatible with adjacent of the contributor (or contributing feature) to the Cultural Resources;~~
 3. The proposed change does not destroy or pose a substantial adverse change ~~adversely affect an~~ important architectural, historical, cultural or archaeological feature or features within boundary of the Cultural Resource;
 4. The proposed change does not adversely affectCompatibility with the context considering the following factors:of the Cultural Resource regarding grading; site development; orientation of buildings; off-street parking; landscaping; signs; street furniture;or public areas;relationship of the project to its surroundings;
 - ~~5.1. The proposed change does not destroy or adversely affect an important architectural, historical, cultural or archaeological feature or features;~~
 - ~~6.5. The project is consistentConsistency~~ with the Citywide Residential Historic District Design Guidelines, approved guidelines for each Historic District, and/or any other applicable Design Guidelines; and
 6. The project is consistentConsistency with the principles of the Secretary of the Interior's Standards for the Treatment of Historic Properties.
- C. For Non-contributors in a Historic District, the proposed project should demonstrate:
1. Compatibility with the height, scale, or massing of contributors within the Historic District, and as allowed by Title 19-Zoning;
 2. Compatibility with the colors, textures, roof forms, and materials of contributors or the architectural period within the Historic District;
 3. That the proposed project does not pose an adverse change to the Historic District or its context;
 4. Consistency with the Citywide Residential Historic District Design Guidelines and the Historic District guidelines; and
 - ~~7.5. Consistency with the principles of the Secretary of the Interior's Standards for the Treatment of Historic Properties.~~

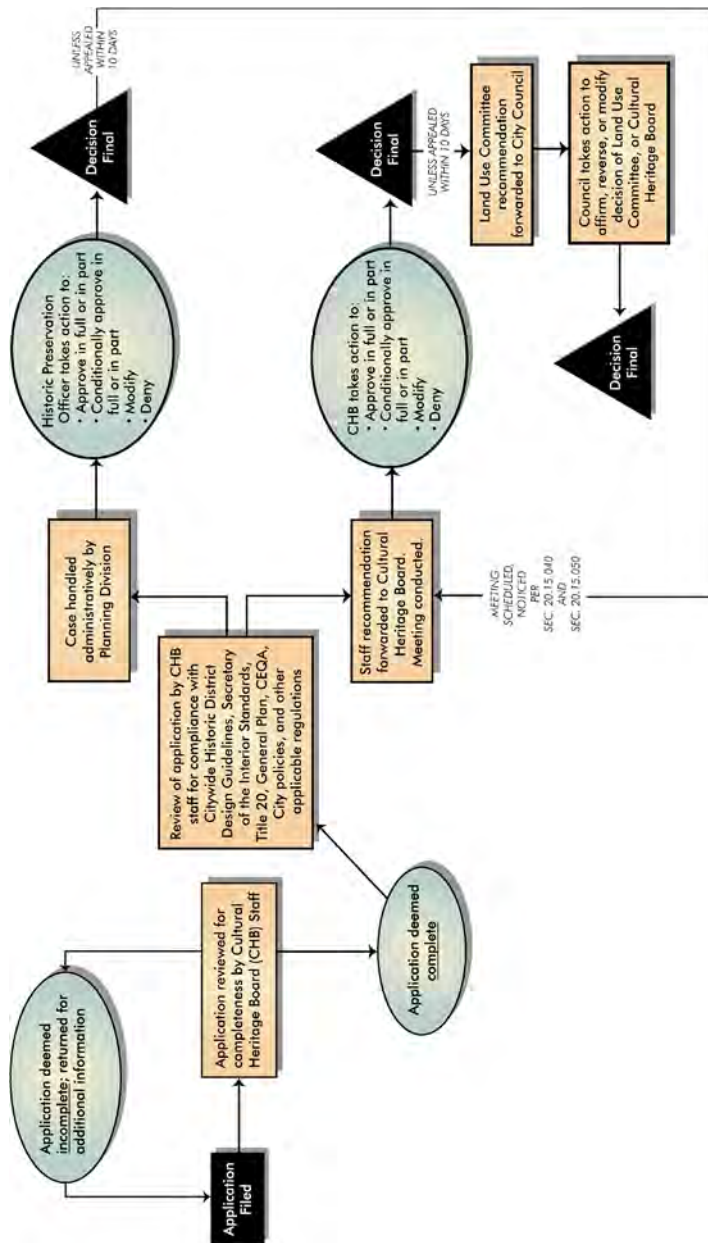
(Ord. 7206 §17, 2013; Ord. 7108 §1, 2010; Ord. 6263 §1 (part), 1996)

Section 20.25.060 Appeals.

Section 20.15.090 shall apply ~~F~~for appeals of any approval, conditional approval or denial of a Certificate of Appropriateness under this Chapter, ~~see Section 20.15.090(A) and/or 20.15.090(B) as applicable.~~ (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

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20.30.030 Historic Preservation Fund.

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B. The fund shall be administered by a Historic Preservation Fund Committee.

1. The Committee membership shall consist of five members, serving two-year terms. The Cultural Heritage Board shall designate two of its members to serve as representatives, and the City Council representative shall be appointed by the Mayor's Nominating and Screening Committee ("Council Committee"). The remaining two shall be City residents affiliated with separate Riverside-specific historic preservation organizations and appointed by the Council Committee. Interested persons must submit applications for appointment no later than 30 days before the meeting during which the Council Committee selects the representatives.
2. The Committee shall undertake all discretionary program acts not in conflict with this section and title. The Committee, with City Council approval by resolution, may designate discretionary program approval authority.
3. The Committee shall establish meeting rules, application deadlines, and the frequency of meetings; however, the Committee shall schedule a meeting to be held at least once every quarter ~~meet at least quarterly~~ and shall consider any submitted grant applications ~~at least~~ semiannually, as needed.
4. The Committee shall develop criteria and a selection process for evaluating applications, including guidelines for matching funds, for City Council review and approval.
5. The Committee shall review and approve or deny applications for grants in accordance with the set criteria.
6. A simple majority is needed for Committee action.
7. If the Committee cannot agree upon an action, the matter shall be forwarded to the Cultural Heritage Board for review and recommendation to the Land Use Committee. Land Use Committee recommendations will be considered by the City Council in making its decision.
8. Appeals shall follow the procedure in Section 20.15.090 (C). City Council actions are final and non-appealable.
9. No funds shall be made available until the time to appeal has expired, or until any appeals are final.

Chapter 20.35

DUTY TO MAINTAIN

Sections:

20.35.010 **Duty to Maintain.**

20.35.020 **Relationship to Other Provisions.**

Section 20.35.010 **Duty to Maintain.**

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

Failure to maintain a Cultural Resource may result in a Determination of Nuisance and Summary Abatement.

(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.
<u>20.40.080</u>	<u>Code Enforcement Updates.</u>

Section 20.40.010 Violations.

No person shall alter or demolish a ~~€Cultural~~ ~~Resource~~ or a building, structure, object or site within a Historic District or Neighborhood Conservation Area in violation of this title, either actively or passively, including through neglect.

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Section 20.40.040 Stop Work Orders.

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

Section 20.40.050 Remedies.

~~A. The City may impose one or more of the following remedies to address any violation of this Title. Remedies shall apply to any violation of this Title. All remedies shall be cumulative to each other and not exclusive.~~

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

~~1. Retroactive Compliance. Apply for and obtain a Certificate of Appropriateness as defined in Chapter 20.25, including compliance with all conditions. Administrative Certificate of Approvals and Non-contributors in a Historic District:~~

~~a. A retroactive Certificate of Appropriateness as defined in this Title shall be required; and~~

~~b. All conditions of the Certificate of Appropriateness shall be satisfied.~~

~~2. Board Issued Certificate of Appropriateness - Retroactive compliance.~~

~~a. A retroactive Certificate of Appropriateness as defined in this Title shall be required; and~~

~~a-b. All conditions of the Certificate of Appropriateness shall be satisfied.~~

~~3. Restoration.~~

~~a. A violation may be abated by restoring or reconstructing the Cultural Resource to its original condition prior to the violation.~~

b. The violator must obtain a Certificate of Appropriateness prior to restoration.

c. Restoration shall use as much of the original material as possible. The City can compel the violator to perform or provide for the restoration, or the City may perform or provide the restoration and recover all of its costs from the violator.

~~b-d.~~ The City may place a lien on the property as provided for in Municipal Code chapter 6.15.

4. Civil Penalty.

a. If, in the sole judgment of the City, Restoration is not feasible, the City Council may impose a civil penalty equal to the cost of restoring the Cultural Resource to its pre-violation condition, and all administrative and enforcement fees.

b. The City shall fix the costs through appraisals or by soliciting bids.

c. All collected funds shall be set aside and used only for CLG duties and required responsibilities.

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Section 20.40.080 Code Enforcement Updates

The Board may request an update from the HPO regarding any matter subject to an enforcement action pursuant to this Chapter.

Chapter 20.45

AMENDMENT AND SEVERABILITY

Sections:

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

Section 20.45.010 **Amendment.**

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

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

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

Section 20.45.020 **Procedures.**

- A. Recommendation and Approval. Any proposed amendment to this Title must first be sent to the Board for review and recommendation. The Board shall recommend that the City Council amend, not amend, or amend the proposal as modified by the Board. The City Council is the final approving authority.
- B. Notice. The Cultural Heritage Board shall hold a public hearing on any amendment. Notice of the hearing shall be published in at least one newspaper of general circulation within the City at least ten days prior to the hearing.
- C. Adoption. Amendments of this Title shall be adopted by ordinance of the City Council, which constitutes final action.
- D. Required Findings. In acting to approve an amendment ~~to the Zoning Ordinance Text or Map,~~ 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 will not adversely affect surrounding properties; and;~~
 - ~~3.2.~~ The proposed Amendment complies with the purposes of this Title ~~as set forth in Chapter 20.05..~~ (Ord. 7108 §1, 2010)

Section 20.45.030 **Severability.**

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

Chapter 20.50

DEFINITIONS

Sections:

20.50.010 Definitions.

20.50.020 Interpretation.

Section 20.50.010 Definitions.

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

A. "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. ~~In the case of Cultural Resources that are buildings or structures, "alteration" shall 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.~~ Such changes may be: changes to, or modifications of, structural or architectural details, or visual characteristics; grading; surface paving; the addition of new structures; the cutting or removal of designated trees, landscapes or other natural features; the disturbance of archaeological sites or areas; or the placement or removal of any significant objects such as signs, plaques, light fixtures, street furniture, walls, fences, steps, plantings, or landscape accessories affecting the significant visual and/or historical qualities of the Cultural Resource.

B. "Board" means the Cultural Heritage Board.

C. "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.

D. "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.

E. "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. the following natural or manmade elements of a Cultural Resource: design general arrangement or components of an improvement, such as site placement, height, scale, and setback; the type, color, and texture of the building materials; construction method; the type and style of windows, doors, lights, signs, and other fixtures. Character Defining Features of buildings or structures are generally external.~~

F. "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. to a Historic District, Neighborhood Conservation Area, or individually significant property means a site, improvement, or natural feature that provides appropriate historic context, historic architecture, historic association or historic value, or is capable of yielding important information about the period. Examples of Contributing Features include, but are 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. Contributing Features in Historic Districts, Neighborhood Conservation areas, or individually significant properties are subject to the Certificate of Appropriateness process.~~

G. "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. to either a Historic District or a Neighborhood Conservation~~

~~Area means a building 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. Contributors in Historic Districts and Neighborhood Conservation areas are subject to the Certificate of Appropriateness Process.~~

H. —“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.

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

~~**J. —“Cultural Resources Overlay Zone”** means a Title 19 zoning category applied to a property identified as a Designated Cultural Resource. a Historic District to notify the owner and the public. 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.~~

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

Demolition of a Cultural Resource means the removal, over a 5-year period, of more than 25 percent of the wall(s) and roof forms on the primary elevation and/or facing a public street(s) or 50 percent of entire structure.

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

M. —“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.

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

O. —“Historic District” means an area which contains:

- A. ~~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”)
- B. ~~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, Board, or City Council or is listed in the National Register of Historic Places or the California Register of Historical Resources, or is a California Historical Landmark or a California Point of Historical Interest (a “thematic Historic District”).

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

1. ~~3~~ Exemplifies or reflects special elements of the City's cultural, social, economic, political, aesthetic, engineering, architectural, or natural history;
2. ~~4~~ Is identified with persons or events significant in local, State, or national history;
3. ~~5~~ 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. ~~6~~ Represents the work of notable builders, designers, or architects;
5. ~~7~~ Embodies a collection of elements of architectural design, detail, materials or craftsmanship that represent a significant structural or architectural achievement or innovation;
6. ~~8~~ 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. ~~9~~ Conveys a sense of historic and architectural cohesiveness through its design, setting, materials, workmanship or association; or
8. ~~10~~ Has yielded or may be likely to yield, information important in history or prehistory.

~~P.~~ **"Historic Preservation Officer"** is the person selected by the Community & Economic Development Director for the City of Riverside and appointed by the City Manager to administer the Cultural Resources program, including professional support to the Board, management of both the Board's Certificate of Appropriateness process, and execution of the Administrative Certificate of Appropriateness process. The Historic Preservation Officer shall meet the requirements of the Department of the Interior, National Park Service as set forth in appendix A to Title 36, Part 61 (Professional Qualification Standards).

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

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

~~S.~~ **"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.

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

~~U.~~ **"Landmark"** means:

~~A.~~ ~~a~~ Any Improvement or Natural Feature that is an exceptional example of a historical, archaeological, cultural, architectural, community, aesthetic or artistic heritage of the City, retains a high degree of integrity; ~~and~~

~~A.B.~~ ~~m~~ Meets one or more of the following criteria:

1. Exemplifies or reflects special elements of the City's cultural, social, economic, political, aesthetic, engineering, architectural, or natural history;
2. Is identified with persons or events significant in local, state or national history;
3. Embodies distinctive characteristics of a style, type, period or method of construction, or is a valuable example of the use of indigenous materials or craftsmanship;
4. Represents the work of a notable builder, designer, or architect, or important creative individual;
5. Embodies elements that possess high artistic values or represents a significant structural or architectural achievement or innovation;

6. Reflects significant geographical patterns, including those associated with different eras of settlement and growth, particular transportation modes, or distinctive examples of park or community planning, or cultural landscape;
7. Is one of the last remaining examples in the City, region, State, or nation possessing distinguishing characteristics of an architectural or historical type or specimen; or
8. Has yielded or may be likely to yield, information important in history or prehistory.

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

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

~~V.~~ **"Moratorium"** means a suspension of an ongoing or planned development activity or permits.

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

~~X.~~ **"Neighborhood Conservation Area"** means an area that:

- A. Provides a contextual understanding of the broader patterns of Riverside's cultural, social, economic, political, aesthetic, engineering, architectural, or natural history;
- B. Represents established and familiar visual features of a neighborhood, community, or of the City;
- C. Reflects significant development or geographical patterns, including those associated with different eras of settlement and growth; or
- D. Conveys a sense of historic or architectural cohesiveness through its design, setting, materials, workmanship or association.

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

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

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

~~Non-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. Non-contributing features in Neighborhood Conservation Areas are not subject to the Certificate of Appropriateness requirements.~~

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

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

~~Non-contributors in Historic Districts are subject to the Certificate of Appropriateness requirements; however, the principles, issues and standards are different than for Contributors. Non-contributors in Neighborhood Conservation Areas are not subject to the Certificate of Appropriateness requirements.~~

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

~~BB.~~ **“Point of Cultural Interest”**

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

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

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

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

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

~~FF.~~ **“Structure (or Resource) of Merit”** means:

- ~~A. a~~Any Improvement or Natural Feature which contributes to the broader understanding of the historical, archaeological, cultural, architectural, community, aesthetic, or artistic heritage of the City, while retains sufficient integrity; and:

~~A.B.~~ Meets on or more of the following criteria:

- 1. Has a unique location, ~~or embodies a~~ singular physical characteristics, ~~or is contains~~ a view or vista representing an established and familiar visual feature ~~of a~~ within a neighborhood, community or ~~of the City 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. A Cultural Resource that could be eligible under Landmark Criteria no longer exhibiting a high level of integrity, however, retaining sufficient integrity to convey significance under one or more of the~~

~~Landmark Criteria;~~

~~5.4.~~ Has yielded or may be likely to yield, information important in history or prehistory; or

~~6.5. Represents A~~an improvement or ~~Cultural R~~resource that no longer exhibits the high degree of integrity sufficient for Landmark designation, yet still retains ~~sufficient~~necessary integrity under one or more of the Landmark criteria to convey cultural resource significance as a Structure or Resource of Merit. (Ord. 7206 §24, 2013; Ord. 7108 §1, 2010)

Section 20.50.020 Interpretation.

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



TITLE 20 UPDATE – COMPREHENSIVE PR-2021-001145

Community & Economic Development Department

Cultural Heritage Board

Agenda Item: 5

June 21, 2023

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BACKGROUND

- February 16, 2022 – CHB formed Subcommittee to work with staff to develop amendments
- September 21, 2022 – Title 20 revisions presented
 - New concerns were provided by CHB
- January-April 2023 - Staff & Subcommittee discussed concerns
 - January 31, 2023 - Redlines provided to staff
- May 17, 2023 – CHB Workshop held, minor revisions incorporated



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PROPOSAL

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- Update department director name from Community Development Director to Community & Economic Development Director

Chapter 20.05 – Purpose

- Section 20.05.010 – Purpose added addressing California Environmental Quality Act (CEQA) and Section 106 compliance

Chapter 20.10 – Authority and Responsibilities

- Section 20.10.020 - Added that CHB may request workshop

Chapter 20.15 – Approvals and Hearings

- Section 20.15.010 – Approval Authority table revised
 - i. Added Historic Preservation Fund Committee (HPFC) as approving body
 - ii. Eliminated Council Land Use Committee from appeals process
- Section 20.15.020 – CEQA Approval process clarified; Added language from CEQA Resolution; Added CEQA Appeals



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PROPOSAL

Chapter 20.15 – Approvals and Hearings (cont'd)

- Section 20.15.030
 - i. Add recognitions and derecognitions
 - ii. Added requests for noticing by person and/or entities
- Section 20.15.040
 - i. Add City Council (CC) referral of appeals back to CHB
 - ii. Increased radius to 300 feet
 - iii. Added requests for noticing by person and/or entities
- Section 20.15.050 - Added requests for noticing by person and/or entities
- Section 20.15.090 - Clarify procedures
 - i. Added appeal fee and deadline clarification
 - ii. Added text to match process outlined in Title 19 (Zoning)
 - iii. Added Mayor/CC referral provision



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PROPOSAL

Chapter 20.15 – Approvals and Hearings (cont'd)

- Section 20.15.100 – Add referrals to the stay of effective date

Chapter 20.20 – Designations

- Section 20.20.020 – Added CC supermajority override of owner opposition
- Section 20.20.080 – Revised text with language from Definitions
- Section 20.20.120 – Eliminated flow charts

Chapter 20.25 – Certificate of Appropriateness

- Section 20.25.010
 - i. Clarify when a Certificate of Appropriateness (COA) is required
 - ii. Added Cultural Resources Report requirement for demolition
- Section 20.25.015 – Add section, identify when a COA is not required



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PROPOSAL

Chapter 20.25 – Certificate of Appropriateness (cont'd)

- Section 20.25.020
 - i. Detailed application process text
 - ii. Added applicant-requested workshop
 - iii. Added application completeness criteria
 - iv. Clarified COA relationship to other discretionary review
- Section 20.25.021 – Added section to create preliminary review process
- Section 20.25.025 – Added section to clarify Board review process
- Section 20.25.030 – Admin COAs
 - i. Reorganized for clarity
 - ii. Included limited infill projects
 - iii. Added fencing, awnings, signs, paving to Admin COAs for Landmarks
 - iv. Clarified Over-the-counter review



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PROPOSAL

Chapter 20.25 – Certificate of Appropriateness (cont'd)

- Section 20.25.050
 - i. Reorganized for:
 - a) Individually significant resources
 - b) District & Neighborhood Conservation Areas (NCAs)
 - c) Non-contributors
 - ii. Clarified/simplified language
- Sections 20.25.060 – Revised appeals section references

Chapter 20.26 – Archaeological and Tribal Cultural Resources

- Section 20.26.010 – Codified Cultural Resource report requirements
- Section 20.26.020 – Ensures CEQA Tribal Consultation



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PROPOSAL

Chapter 20.30 – Preservation Incentives

- Section 20.30.030 - Revised to match HPFC adopted rules regarding meetings

Chapter 20.35 – Duty to Maintain

- Section 20.35.010 - Revised to include all features in a Historic District & NCAs

Chapter 20.40 – Enforcement and Penalties

- Section 20.40.010 - Revised to include all features in a Historic District & NCAs
- Section 20.40.050 – Revise remedies and clarify remedies are cumulative
- Section 20.40.080 – Added section regarding Code Enforcement updates

Chapter 20.30 – Amendments and Severability

- Section 20.45.020 – References to Zone Code Amendments



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PROPOSAL

Chapter 20.50 – Definitions

- Clarified/simplified language and removed redundance through out
- Relocated non-definition text to respective Chapters
- Clarified Character Defining Features to match National Parks Service
- Added Demolition definition
- Reorganized Landmark and Structure of Merit criteria
- Clarified/simplified Structure of Merit criteria



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POTENTIAL POLICY CONSIDERATIONS

- Eliminate Owner Consent for Historic Designations (Section 20.20.020)
- Demolition Review (new chapter)
- Loss of Further Entitlement (Section 20.40.060)
- Private Right of Action (new chapter)



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CHB POTENTIAL PATHS FORWARD

- Recommend Title 20 amendments as presented
- Recommend Title 20 amendments with technical language modification
- Recommend Title 20 amendments, with or without technical modifications, and any or all CHB-suggested policy consideration



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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

Staff recommends that the Cultural Heritage Board recommend that City Council:

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



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